

Message

From: adm15.arwheeler.email@epa.gov [adm15.arwheeler.email@epa.gov]
Sent: 10/14/2019 4:56:13 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]
Subject: Re: SIP Disapproval Process

Thank you, how is your family. Btw, they postponed the White House press briefing tomorrow

Sent from my iPhone

On Oct 14, 2019, at 12:18 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Administrator, attached is a memo laying out the process after a SIP is disapproved by EPA or withdrawn by a State. The memo is slightly over a page but the condensed version of it is the following:

Whether approving or disapproving a SIP EPA is required to make certain findings. Upon receiving a SIP EPA has six months to make a determination that a SIP is complete and then it has another year approve or disapprove a SIP. In the case of a completeness determination if EPA does not act within six months a SIP is deemed complete. So for example, all SIPs in our backlog that are older than six months and that we did not make a completeness determination on are considered complete. I do not believe that a SIP is approved after one year if EPA does not act but I want to confirm that with Air, however, we would not have a SIP backlog if that was the case. Also, there are sequential clocks, so the six months runs, then the year runs.

In the context of our backlog, the burden is on EPA to make a determinations whether the SIPS in our backlog are approvable. The approval or disapproval of a SIP is done through the notice and comment process. In order to start managing the backlog we should start noticing SIPs for comment. If after receiving comment we determine that a SIP is deficient we would disapprove it, in whole or in part. At that point the sanctions clock would begin running. EPA would have 24 months to develop a FIP that would address the basis for disapproval. The state or jurisdictional entity can still submit a SIP during this time and if EPA approves it, EPA would not need to develop a FIP.

With respect to sanctions, depending upon the SIP that is disapproved there are highway sanctions and offset sanctions, these sanctions are required if nonattainment SIP or a "required" SIP has been disapproved. Highway sanctions will be imposed 24 months after disapproval and enhanced offset sanctions under NSR will be set at 2-1 at 18 months, also after disapproval. Sanctions are halted if a SIP is submitted and approved by EPA, sanctions can also be deferred if a SIP is submitted and EPA makes an interim determination of approval.

Withdrawal of a SIP alone does not start a sanctions clock. EPA must make a determination that a state or other jurisdictional entity did not submit a required SIP. EPA does have a duty to make such a finding if a SIP deadline is missed. However, sanctions work differently under a withdrawal scenario. Such a finding does trigger the sanctions clock. For the sanctions clock to be stopped it is only required that a SIP be submitted to EPA that is deemed complete. However, for the FIP clock to be halted, a SIP must be submitted and approved.

If you have questions let me know. I know you have press availability tomorrow and I have some thoughts I'll send for that as well later today.

I hope you had a nice weekend.

Doug

<10-11-2019 OAR_SIP Process Information.docx>

Message

From: adm15.arwheeler.email@epa.gov [adm15.arwheeler.email@epa.gov]
Sent: 10/7/2019 7:02:57 PM
To: Beach, Christopher [beach.christopher@epa.gov]
CC: Block, Molly [block.molly@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: Re: Questions for Wheeler tomorrow

I can handle these, thanks

Sent from my iPhone

On Oct 7, 2019, at 11:41 AM, Beach, Christopher <beach.christopher@epa.gov> wrote:

Adding Corry as well.

From: Block, Molly <block.molly@epa.gov>
Sent: Monday, October 7, 2019 12:37 PM
To: adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
Cc: Molina, Michael <molina.michael@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
Subject: Fwd: Questions for Wheeler tomorrow

FYI

Sent from my iPhone

Begin forwarded message:

From: "Cleary, Sean (Hoeven)" <Sean_Cleary@hoeven.senate.gov>
Date: October 7, 2019 at 11:28:46 AM CDT
To: "Block, Molly" <block.molly@epa.gov>, "Edwards, John (Holt)" <edwards.john@epa.gov>
Subject: FW: Questions for Wheeler tomorrow

Molly and Holt,
Below are the questions that Dave Thompson plans to ask at tomorrow's Q&A with the Administrator. Please let us know if there is anything else you need on this.

Thanks,
Sean

From: Mattern, Retha <retha.mattern@bismarckstate.edu>
Sent: Monday, October 7, 2019 11:20 AM
To: Cleary, Sean (Hoeven) <Sean_Cleary@hoeven.senate.gov>
Subject: Questions for Wheeler tomorrow

Sean,
Below are the questions that Dave sent me for the fireside chat with Administrator Wheeler.
Would you please send to the appropriate person with Wheeler?

1. North Dakota is embracing an "all of the above" energy strategy -- how does EPA fit in with that?
2. ND wants to be a leader in "carbon capture" technology from coal-fired power plants. What can the EPA do in that regard?
3. Xcel Energy has announced it will cease using coal-fired electric power, and plans to use a combination of nuclear, wind and solar. What are your thoughts?
4. Nuclear power is considered clean, because it doesn't emit greenhouse gases. Is Xcel on the right track to seek reauthorization of its two Minnesota nuclear plants?
5. Hydropower is seldom discussed. Should hydropower be a part of the "all of the above" scenario?

In addition, follow-up questions on any answers given may be asked.

Thank you, and see you tomorrow.

-Retha

<image001.png>

Retha Mattern

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Retha.Mattern@bismarckstate.edu

2019-2020 Staff Advisor to the North Dakota State Board of Higher Education

Message

From: adm15.arwheeler.email@epa.gov [adm15.arwheeler.email@epa.gov]
Sent: 9/25/2019 9:28:16 PM
To: Beach, Christopher [beach.christopher@epa.gov]
CC: Molina, Michael [molina.michael@epa.gov]; Scott, Corey [scott.corey@epa.gov]
Subject: Re: PFAS remarks

That's ok, I can add it in

Sent from my iPhone

On Sep 25, 2019, at 5:20 PM, Beach, Christopher <beach.christopher@epa.gov> wrote:

Sir, I just realized that I forgot to add the following line to your remarks in the section about the legislation being marked up today:

- The legislation would bypass our programs and lump in some replacement chemicals that we – and the previous administration – have already found safe.

Would you like me to add that in and bring you a new copy before the event in the morning?

Best,
Chris

Appointment

From: Eoc, Epahq [Eoc.Epahq@epa.gov]
Sent: 8/30/2019 1:52:31 PM
To: Eoc, Epahq [Eoc.Epahq@epa.gov]; Adm15Wheeler.Calendar [Adm15Wheeler.Calendar@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Bloom, David [Bloom.David@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Bokun, Lisa [Bokun.Lisa@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Bowles, Jack [Bowles.Jack@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Carpenter, Wesley [Carpenter.Wesley@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Cherry, Katrina [Cherry.Katrina@epa.gov]; Clark, Becki [Clark.Beki@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]; Devlin, Betsy [Devlin.Betsy@epa.gov]; Edlund, Carl [Edlund.Carl@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Fonseca, Silvina [Fonseca.Silvina@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Greaves, Holly [greaves.holly@epa.gov]; Greenberg, Marc [Greenberg.Marc@epa.gov]; Irizarry, Gilberto [Irizarry.Gilberto@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Johnson, Barnes [Johnson.Barnes@epa.gov]; Lee, Eugene [Lee.Eugene@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Levine, Carolyn [Levine.Carolyn@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; McIntosh, Chad [mcintosh.chad@epa.gov]; Michaud, John [Michaud.John@epa.gov]; Morgan, Ashley [morgan.ashley@epa.gov]; Nishida, Jane [Nishida.Jane@epa.gov]; Noga, Vaughn [Noga.Vaughn@EPA.GOV]; Oh, Peter [Oh.Peter@epa.gov]; OLEM OEM ALL EOC Positions [OLEM_OEM_ALL_EOC_Positions@epa.gov]; Orme-Zavaleta, Jennifer [Orme-Zavaleta.Jennifer@epa.gov]; Parrott, Patricia [parrott.patricia@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]; Perovich, Gina [Perovich.Gina@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Salyer, Kathleen [Salyer.Kathleen@epa.gov]; Sayles, Gregory [Sayles.Gregory@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Schlieger, Brian [schlieger.brian@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Simon, Harvey [Simon.Harvey@epa.gov]; Simon, Nigel [Simon.Nigel@epa.gov]; Soward, Ruth-Alene [Soward.Ruth-Alene@epa.gov]; Stanich, Ted [Stanich.Ted@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Travers, David [Travers.David@epa.gov]; Tyree, Robin [Tyree.Robin@epa.gov]; Valdes, Dennisses [Valdes.Dennisses@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; Vizian, Donna [Vizian.Donna@epa.gov]; Wheeler, Andrew [wheeler.andrew@epa.gov]; Woodyard, Josh [Woodyard.Joshua@epa.gov]; Wright, Peter [wright.peter@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Evangelista, Pat [Evangelista.Pat@epa.gov]; Prince, John [Prince.John@epa.gov]; Mosher, Eric [Mosher.Eric@epa.gov]; Walker, Mary [walker.mary@epa.gov]; Banister, Beverly [Banister.Beverly@epa.gov]; Jenkins, Brandi [Jenkins.Brandi@epa.gov]; Hill, Franklin [Hill.Franklin@epa.gov]; Chaffins, Randall [Chaffins.Randall@epa.gov]; Spencer, L'Tonya [Spencer.LaTonya@epa.gov]; Webster, James [Webster.James@epa.gov]; Hairston, Brandy [hairston.brandy@epa.gov]; Moore, Tony [moore.tony@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]
CC: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Indermark, Michele [Indermark.Michele@epa.gov]
Subject: FW: Hurricane Dorian: PCC Meeting and Conference Call
Location: Conference Line: Ex. 6
Start: 9/1/2019 6:00:00 PM
End: 9/1/2019 7:00:00 PM
Show Time As: Tentative

From: Eoc, Epahq
Sent: Friday, August 30, 2019 2:31:06 PM (UTC-05:00) Eastern Time (US %2A Canada)
To: Adm15Wheeler.Calendar; Atkinson, Emily; Beck, Nancy; Bertrand, Charlotte; Best-Wong, Benita; Bloom, David;

Bodine, Susan; Bokun, Lisa; Bolen, Brittany; Bowles, Jack; Breen, Barry; Carpenter, Wesley; Cheatham, Reggie; Cherry, Katrina; Clark, Becki; Cook, Steven; Darwin, Henry; Devlin, Betsy; Edlund, Carl; Edwards, Jonathan; Elliott, Ross; Fonseca, Silvina; Forsgren, Lee; Fotouhi, David; Grantham, Nancy; Greaves, Holly; Greenberg, Marc; Irizarry, Gilberto; Jackson, Ryan; Johnson, Barnes; Lee, Eugene; Leopold, Matt (OGC); Levine, Carolyn; Lewis, Jen; Lewis, Josh; McIntosh, Chad; Michaud, John; Morgan, Ashley; Nishida, Jane; Noga, Vaughn; Oh, Peter; OLEM OEM ALL EOC Positions; Orme-Zavaleta, Jennifer; Parrott, Patricia; Penman, Crystal; Perovich, Gina; Rakosnik, Delaney; Richardson, RobinH; Ross, David P; Salyer, Kathleen; Sayles, Gregory; Schiermeyer, Corry; Schlieger, Brian; Shaw, Betsy; Simon, Harvey; Simon, Nigel; Soward, Ruth-Alene; Stanich, Ted; Starfield, Lawrence; Travers, David; Tyree, Robin; Valdes, Dennisses; Veal, Lee; Vizian, Donna; Wheeler, Andrew; Woodyard, Josh; Wright, Peter; Benevento, Douglas; Molina, Michael; Lopez, Peter; Mugdan, Walter; Lyon, Christopher; Evangelista, Pat; Prince, John; Mosher, Eric; Walker, Mary; Banister, Beverly; Jenkins, Brandi; Hill, Franklin; Chaffins, Randall; Spencer, L'Tonya; Webster, James; Hairston, Brandy; Moore, Tony; Brooks, Phillip; Brazauskas, Joseph; Idsal, Anne

Cc: adm15.arwheeler.email; Indermark, Michele

Subject: Hurricane Dorian: PCC Meeting and Conference Call

When: Sunday, September 1, 2019 2:00 PM-3:00 PM.

Where: Conference Line:

The Policy Coordinating Committee (PCC) will convene on **Sunday, September 1 at 2:00 PM ET** in support of activities associated with Hurricane Dorian. **Call Information for Sunday, September 1 @ 2:00 PM ET**

Call in number:

Access Code:

As a reminder, please use the “mute” function, not the “hold” function during the call. (The “hold” function sometimes causes background music to play, and speakers cannot be heard clearly.)

Agenda for Sunday, September 1, 2019

Opening Remarks Office of the Administrator
 Office of Land and Emergency Management
 National Incident Coordinator

Situational Updates

For each situational update please address the following topic areas in addition to Regional/Program specific highlights:

- **What are you being asked to do/support from our Federal, State and Local partners?**
- **Are there actions you are considering leaning forward on to address a need or expedite our response activities?**
- **Are there program policy, legal, and/or resource issues impacting your operations?**

Region 2
Region 4
OPA
OECA
OW
OLEM
Other Offices (as needed)

General Discussion

Next Meeting

Please use government email or phone for communication regarding the Agency's hurricane response. Do not create government records on personal devices. Any government records on personal devices become discoverable or subject to the Freedom of Information Act (FOIA).

Contact

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Contact

Full Name: Epp, Timothy
Last Name: Epp
First Name: Timothy
Company: OGC

Business Address: Washington

Business Phone: 202-564-2830
Mobile Phone:

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E-mail: Epp.Timothy@epa.gov

Contact

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E-mail: nick.loris@heritage.org

Message

From: Vickery, Bryce [Vickery.Bryce@epa.gov]
Sent: 9/25/2019 8:48:47 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily Clips Wednesday 25th

Agriculture

[Food waste reduction advocates pitch financial benefit to boost efforts](#)

[EPA lacks information on nearly 10,000 farms it's tasked with regulating](#)

Climate

[Moniz's group urges federal boost for CO2 removal technologies](#)

[We're all in big trouble: Climate panel](#)

[Gerston: David takes on Goliath on air pollution, but will he win?](#)

EPA

[Senate unveils Interior-EPA bill, rejects money for BLM move](#)

Species

[Lawmakers spar over ESA but find room for compromise](#)

Water

[EPA fails to ensure public notification of risks — IG](#)

[EPA Rejects Proposal To Scale Back Cleanup Plans For Portland Harbor](#)

Food waste reduction advocates pitch financial benefit to boost efforts

September 25, 2019

Food waste reduction advocates are suggesting that making companies more aware of the financial benefit of such efforts could help encourage the launch of more programs designed to cut wasted food, as EPA looks to a number of voluntary industry measures to meet non-binding targets for reducing waste in lieu of new federal rules.

“I think it’s important not to frame it first environmentally, but to frame it first in the business case because there is one,” said Chris Cochran, executive director of ReFED, a non-profit whose members include representatives from the federal government, businesses, and others who share the goal of reducing overall U.S. food waste, according to a recent article in *Waste Dive*.

Cochran met EPA chief Andrew Wheeler and other food waste reduction proponents at the New York headquarters of the grocery company Fresh Direct on Sept. 22 to discuss such efforts.

“Addressing the problem of food waste will take cooperation across the public and private sectors, so it was a pleasure to meet with some of the leading organizations and companies committed to eliminating wasted food in New York City and across the country,” said Wheeler in a press release. “The Trump Administration is working closely with our state and local partners to transform wasted food into solutions that feed communities, fuel our economy, and maximize our resources.”

EPA estimates that more than 75 billion pounds of food reaches combustion facilities and landfills, and that landfills are the third largest source of human-related emissions of the greenhouse gas methane in the United States. As a result, high levels of food waste can cause increases in methane emissions.

In addition, EPA says that food waste “also results in unnecessary, excess expenditures of U.S. domestic energy resources” and accounts for more than 21 percent of all fresh waste globally.

But the Trump administration is not pursuing any new EPA rules to cut food waste and instead is eyeing voluntary measures to reach its goal of cutting the waste 50 percent by 2030.

To help reach its goal, EPA convened a summit last April with the U.S. Department of Agriculture and the U.S. Food & Drug Administration at which state and local officials signed a pledge to work with the federal government on reducing food waste. The agency has also announced several funding opportunities for programs that are designed to cut the level of wasted food.

Some environmentalists argue that even with innovative voluntary measures to tackle emerging environmental problems, federal rules are still necessary as a backstop. They have raised concerns that some companies might not act to reduce their environmental footprint without such regulations in place.

Waste Dive reports that ReFED’s Cochran is suggesting that although the Trump administration efforts are welcome and could encourage businesses to act, pitching the financial benefits of voluntarily reducing food waste might be a similarly strong driver.

“One of the challenges in introducing this to people who are thinking about it for the first time -- maybe executives -- is when they hear food waste and then they hear the environmental stats first, I think their mind goes, ‘okay I need to pass this off to my corporate affairs team versus my CFO,’” Cochran said, according to the article

EPA lacks information on nearly 10,000 farms it's tasked with regulating

A recent report highlights gaps in the agency's data on large-scale animal facilities

<https://www.muckrock.com/news/archives/2019/sep/25/epa-data-and-nrdc-report-on-CAFOs/>

Written by Adrien Salzberg

Edited by Beryl Lipton

A report published Monday by the Natural Resources Defense Council claims the Environmental Protection Agency has no information on the 9,734 concentrated animal feeding operations the government agency estimates exist in the country.

Also known as CAFOs, these large-scale facilities each house hundreds or thousands of animals. The EPA regulates these operations under the Clean Water Act, since the volume of manure they produce can contaminate the water supply and harm people living near the farm if improperly managed.

NRDC's report, "CAFOs: What We Don't Know Is Hurting Us," is based on a review of data on CAFOs published publicly online by the EPA and states, as well as information received through a Freedom of Information Act request. The request was completed in 2013, while all other data was collected in 2015. Though the EPA estimated in 2012 that 17,329 CAFOs exist in the United States, the NRDC analysis was only able to identify 7,595 CAFOs in 40 states with associated data. It also found more facilities than the EPA estimates in nine states and no data for another nine states where the EPA determined CAFOs were active. In one case, the EPA estimated 1,028 facilities existed in California, but the NRDC only found information on a single facility. The EPA was not able to respond to a MuckRock request for comment in time for publication.

"Another part of the mandate of the Clean Water Act is the EPA is supposed to make sure that the states meet certain minimum standards," says Valerie Baron, an NRDC staff attorney focused on health and food. "I don't see a way for the agency to do that if they can't even establish where the facilities are, let alone what type of pollution load they should be producing."

A Government Accountability Office study in 2008 found that the EPA did not keep data on the location of these facilities and their discharges. The EPA then proposed a rule in October 2011 to require CAFOs to submit information to the agency, including the facility's location and how many animals it houses. However, the agency withdrew the rule in July 2012, saying it could obtain the information it needed through cooperation with state agencies. The NRDC review, however, challenges whether this has actually been happening.

Environmental groups like the NRDC are concerned the lack of federal oversight on CAFOs will lead to improper waste disposal. When not properly treated, manure can release greenhouse gases and chemicals like ammonia and hydrogen sulfide into the atmosphere. CAFOs typically keep animals in confined conditions, and to prevent disease, continually feed animals low doses of antibiotics. While this kills some bacteria, it can cause

other bacteria to become antibiotic resistant. When manure is not properly disposed of, these bacteria can be transmitted through the air and may be found in meat from these animals.

In some states, like North Carolina, CAFOs apply manure to fields by aerosolizing it and spraying it into the air. Elsie Herring, who lives next to a factory farm facility in North Carolina, says the farm is on land that has been in her family since the 1890s.

“They’ve taken the majority of the land, and they spray the field like eight feet from my mother’s house,” Herring said.

In 2018, the EPA settled a lawsuit filed by the North Carolina Environmental Justice Network claiming the state’s regulation of swine feeding operations discriminated against black, Latino, and Native American Communities. The state agreed to conduct air and water quality tests in Sampson and Duplin counties, the results of which will be posted by February 2020.

The NRDC, as well as Earthjustice and Pew Charitable Trusts, filed a FOIA request with the agency for its information on CAFOs and the data it collected from states about them. After the EPA released the information it had gathered from the 28 states at the time, trade groups in the agricultural industry raised concerns about privacy, since the information from some states included mailing addresses, names, and phone numbers. These 19 states had this information previously available to the public on websites or by request, so the EPA determined that the information didn’t warrant being withheld under a FOIA exemption.

After the backlash from industry groups, the EPA provided the requesters with an amended response twice: once to redact location data from 10 states where that information was not public and again because the agency failed to redact that data for CAFOs in Montana and Nebraska.

Moniz’s group urges federal boost for CO2 removal technologies

<https://insideepa.com/environment-next-news/moniz’s-group-urges-federal-boost-co2-removal-technologies>

September 25, 2019

The Energy Futures Initiative (EFI), a nonprofit technical think-tank led by former Obama Energy Secretary Ernest Moniz, is urging the creation of a major Research, Design, and Development (RD&D) program involving EPA and nine other agencies to make existing but still fledgling technologies for removing carbon from the atmosphere commercially ready in 10 years.

In a new report issued Sept. 24, “*Clearing the Air: A Federal RD&D Initiative and Management Plan for Carbon Dioxide Removal [CDR] Technologies*,” EFI spent a year researching innovative technologies for CDR. “Specific CDR pathways include natural processes (e.g., planting trees), technologically- enhanced natural processes (e.g., *ex situ* carbon mineralization), and technological processes (e.g., direct air capture, or DAC),” according to an EFI fact sheet.

The EFI proposal comes as Carbon 180, a non-governmental organization, is advocating CDR as part of a “circular carbon economy” that the group’s Executive Director Noah Deich says could overhaul how regulators approach global warming.

EFI’s proposal carries an estimated budget of \$10.7 billion over 10 years, or approximately \$1 billion per year, which represents 15% of the federal energy innovation budget. The plan, which proposes a funding level of \$325 million for the first full year, includes the establishment of a single, technology-neutral demonstration fund of \$2 billion. “The budget supports a robust and balanced portfolio across all CDR and CO2 disposition pathways plus cross-cutting program elements,” EFI says, and notes that the federal energy innovation budget “has recently been on a trajectory to double over the next decade with bipartisan support.”

According to EFI’s plan, the CDR work on the RD&D portfolio would be divided among 10 agencies: EPA; the Department of Energy; the National Science Foundation; the Department of Agriculture; the National Oceanic and Atmospheric Administration; the National Institute of Standards and Technology; the Department of Defense; the Department of the Interior; the Department of Transportation; and the National Aeronautics and Space Administration. Interagency planning and budget coordination would be overseen by the White House Office of Science and Technology Policy and the Office of Management and Budget.

September 26 2019 - 3:58AM

We're all in big trouble: Climate panel

<https://www.canberratimes.com.au/story/6406989/were-all-in-big-trouble-climate-panel/>

By Seth Borenstein



Seas are now rising at 3.66mm a year, 2.5 times faster than the rate from 1900-1990, experts say.

Earth is in more hot water than ever before, and so are we, an expert UN climate panel has warned in a grim new report.

Sea levels are rising at an ever-faster rate as ice and snow shrink, and oceans are getting more acidic and losing oxygen, the Intergovernmental Panel on Climate Change said in a report issued on Wednesday as world leaders met at the UN.

It warned that if steps aren't taken to reduce emissions and slow global warming, seas will rise one metre by the end of the century, with many fewer fish, less snow and ice, stronger and wetter hurricanes and other, nastier weather systems.

"The oceans and the icy parts of the world are in big trouble, and that means we're all in big trouble, too," said one of the report's lead authors, Michael Oppenheimer, professor of geosciences and international affairs at Princeton University.

"The changes are accelerating."

The dire effects will be felt on both land and sea, harming people, plants, animals, food, societies, infrastructure and the global economy.

In fact, the international team of scientists projected for the first time that some island nations will probably become uninhabitable.

The oceans absorb more than 90 per cent of the excess heat from carbon pollution in the air, as well as much of the carbon dioxide itself.

Earth's snow and ice, called the cryosphere, are also being eroded.

"The world's oceans and cryosphere have been taking the heat for climate change for decades. The consequences for nature and humanity are sweeping and severe," said Ko Barrett, vice chair of the IPCC and a deputy assistant administrator for research at the US National Oceanic and Atmospheric Administration.

The report found:

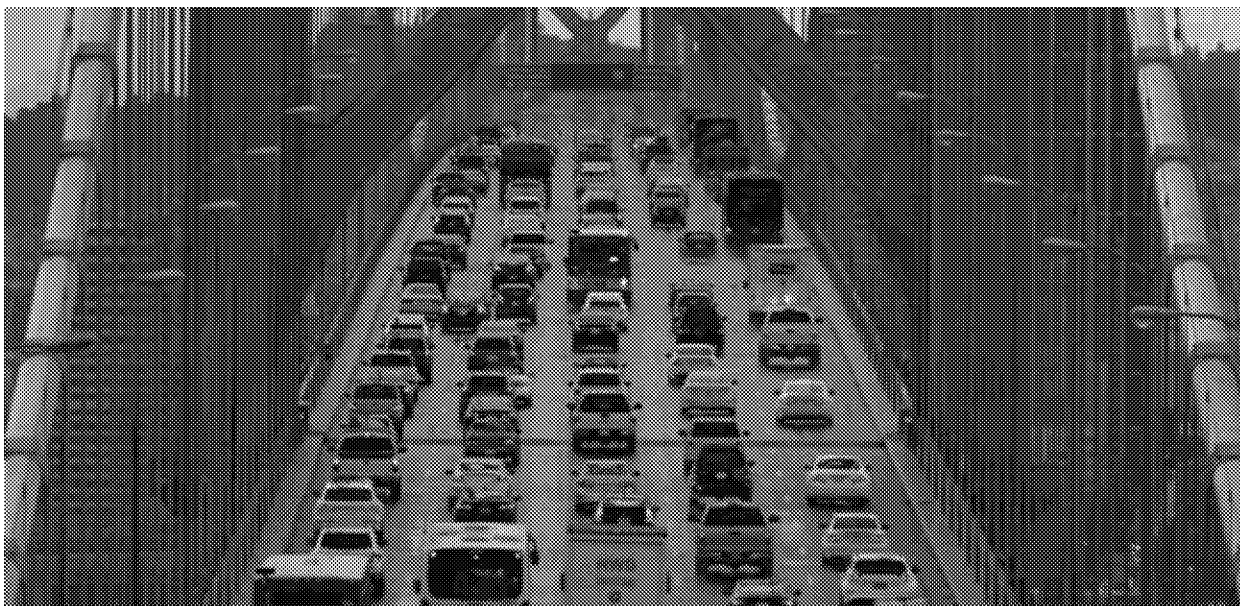
- Seas are now rising at 3.66 millimetres a year, which is 2.5 times faster than the rate from 1900 to 1990.
- The world's oceans have already lost 1 to 3 per cent of the oxygen in their upper levels since 1970 and will lose more as warming continues.
- From 2006 to 2015, the ice melting from Greenland, Antarctica and the world's mountain glaciers has accelerated. They are now losing 653 billion tonnes of ice a year.
- Arctic June snow cover has shrunk more than half since 1967, down nearly 2.5 million square kilometres.
- Arctic sea ice in September, the annual low point, is down almost 13 per cent per decade since 1979. This year's low, reported on Monday, tied for the second-lowest on record.
- Marine animals are likely to decrease 15 per cent, and catches by fisheries in general are expected to decline 21 to 24 per cent by the end of the century because of climate change.

Gerston: David takes on Goliath on air pollution, but will he win?

<https://sanjosespotlight.com/gerston-david-takes-on-goliath-on-air-pollution-but-will-he-win/>

by [Special to San José Spotlight](#)

September 25, 2019September 23, 2019



FILE - In this Dec. 10, 2015, file photo, vehicles make their way westbound on Interstate 80 across the San Francisco-Oakland Bay Bridge as seen from Treasure Island in San Francisco. California Gov. Gavin Newsom, Attorney General Xavier Becerra and others plan to announce legal action Wednesday, Sept. 18, 2019, to fight the Trump administration's move to revoke the state's authority to set auto mileage standards. (AP Photo/Ben Margot, File)

The battle between California and the Trump administration reached a crescendo of sorts last month, with the outcome very much in “the air.”

The president instructed the Environmental Protection Administration Agency (EPA) to revoke California’s long-standing ability to set automobile emissions standards that are firmer than federal rules. If the new direction of the Trump administration takes root, the air pollution consequences are likely to be dire for California, including the Bay Area.

This issue is hardly new. Because of the state’s topography — principally several valleys — California is besieged with poor air quality. Often, bad air is trapped with no place to go. A recent federal study found that California has 7 of the 10 most polluted regions in the nation. And the issue hits home right here in Silicon Valley. The same study placed the San Jose-San Francisco-Oakland region 8th in the nation, a fact that is reinforced with those increasingly frequent “spare the air” days.

Congress acknowledged this dilemma with an amendment to the 1970 Environmental Protection Act, which allows California to seek a waiver if the state seeks air pollution rules that are tougher than those passed by the federal government. Since the passage of that act, the state has applied for and received the environmental waiver on 45 occasions, with the automobile companies quickly falling into line with a national standard essentially generated by California.

Fast forward to the present. Experts have long known that automobile emissions are the largest source of greenhouse gas pollution in the United States. Nationally, tailpipe emissions from automobiles and trucks account for 30 percent of all green gases; in California the figure is 40 percent.

Thus, for decades, while EPA has increased miles-per-gallon requirements to nudge development of less-polluting cars, California has pushed the anti-pollution even more with its waiver requests. A few years ago during the Obama administration, the EPA established a new 54.5 miles-per-gallon requirement for automobiles produced, beginning 2025.

Now the Trump administration has balked at the latest mandate, contending that it would add an extra \$3,000 to the average cost of an automobile. Instead, the EPA has set a much lower rate of 37 miles-per-gallon, insisting that the extra cost would be only \$2,000 per automobile and therefore consumer-friendly.

But there is another side to the argument. Environmental experts have determined that the difference between the 54.5 mile-per-gallon and 37 miles-per-gallon requirements would yield a whopping 6 billion tons of greenhouse gas emissions over the lifetimes of those cars. Then there's the question of health. A recent study by M.I.T. found that 21,000 Californians die prematurely each year because of air pollution-related diseases. Untold millions more cope with asthma and related respiratory issues aggravated by miserable air pollution. Given the deleterious impact of tailpipe-originated greenhouse gas emissions, California and 13 other states asked for a waiver. These states also arranged agreements with four major automobile producers to accept a state very close to the new Obama-era requirement. Nevertheless, the Trump administration denied the request. The issue will now be decided by the courts, which have become the home to California disputes with the Trump administration. California Attorney General Xavier Becerra has already argued 60 cases against the Trump administration with some successes.

Beyond this particular dispute, it's hard to fathom Trump's logic. This is the same administration that has repeatedly stripped away national standards on a variety of policy areas including mining, offshore oil drilling, water quality and land toxicity, to cite a few examples. Yet, in this case, Trump says that one national standard should exist.

Perhaps the most egregious irony was recently argued by EPA Administrator Andrew Wheeler. At a news conference explaining why the EPA denied California's waiver request, Wheeler declared that California should focus on its own issues "rather than trying to set fuel economy standards for the entire country."

Given the climate crisis in California, the nation and the world, it's hard to comprehend just how the Trump administration is meeting the environmental challenge without confronting air pollution. Yet for Californians, the fight goes on.

Senate unveils Interior-EPA bill, rejects money for BLM move

<https://www.eenews.net/greenwire/2019/09/24/stories/1061166135>

[Kellie Lunney](#) and [Kevin Bogardus](#), E&E News reporters



Senate Interior and Environment Appropriations Subcommittee Chairwoman Lisa Murkowski (R-Alaska) and ranking member Tom Udall (D-N.M.) during a markup this morning. Francis Chung/E&E News

Senate appropriators approved by voice vote this morning a \$35.8 billion fiscal 2020 spending bill for EPA, the Interior Department and related agencies, with bipartisan consensus and without any new "poison pill riders."

But the bill does seek to limit Interior's ability to relocate hundreds of Bureau of Land Management (BLM) jobs out of Washington, D.C.

That total is slightly less than the \$37.3 billion the House approved for those agencies this past summer in a multibill package, H.R. 3055.

Both chambers, however, are unified in rejecting deep cuts proposed by the White House for several EPA and Interior programs in fiscal 2020.

"We all know this account is not one of the easy ones," said Sen. Lisa Murkowski, who leads the Senate Interior and Environment Appropriations Subcommittee. "We had a few bumps, a few surprises that could have derailed our progress with this."

Advertisement

Still, the legislation the two sides produced represents a "laudable mix of accommodating our colleagues, accommodating the states' interests, federal interests, and working to address the needs of our lands, our waters and our people," the Alaska Republican said.

Ranking member Tom Udall (D-N.M.) added, "We have produced what I think is a fine Interior bill, one that makes key investments in members' priorities on both sides of the aisle."

Udall secured language similar to the House's that would prevent the Bureau of Land Management from conducting new oil and gas leasing within the 10-mile buffer zone around New Mexico's Chaco Culture National Historical Park (*Greenwire*, May 21).

Other subcommittee members held off on offering amendments today but may do so when the full Appropriations panel marks up the Interior-EPA bill Thursday.

"At this point in time, I'm hoping we keep it to a dull roar," Murkowski told reporters after the markup when asked what she anticipated could happen Thursday with amendments to the bill.

Interior reorganization

The legislation would provide no new money for Interior's management overhaul, including a relocation of hundreds of BLM jobs to Western states and a new headquarters in Grand Junction, Colo. The House also did not appropriate any fiscal 2020 funds to the reorganization effort.

"Between this bill and the strong statement from the House to oppose the reorganization, the administration will be well-advised to stop trying to ram these changes through and actually work with Congress on a good-faith basis," said Udall.

The administration had requested \$28 million for the reorganization in fiscal 2020. Congress gave Interior \$14 million for the project in fiscal 2019, but many Republicans and Democrats have criticized the department for not providing enough detail about the effort.

In response to the Senate markup, an Interior spokesperson released a statement saying "the BLM relocation is moving full speed ahead."

"As previously approved by Congress, we have the means to complete this relocation and establish the new headquarters in Grand Junction, Colorado," said the statement.

"The Department intends to give BLM employees their legally authorized compensation and incentives, but ultimately it is up to Congress to decide if they want to deny these benefits to our employees," it said.

Bill details

EPA would receive about \$9 billion in fiscal 2020 from the Senate legislation, while Interior would get \$13.7 billion.

EPA's figure is an increase from current funding of \$8.8 billion and much more than the \$6 billion President Trump proposed for the agency in his fiscal 2020 budget plan. The House would give EPA \$9.5 billion.

The agency's state and tribal assistance grants would increase by \$116 million under the legislation, including an additional \$20 million for handling contamination and remediation of per- and polyfluoroalkyl substances, or PFAS.

Senate appropriators would fund EPA's Clean Water and Drinking Water state revolving funds at close to \$2.8 billion.

In addition, \$73 million would go to the Water Infrastructure Finance and Innovation Act program, which finances loans for drinking water and wastewater systems around the country.

Senate appropriators' budget number for Interior is close to the \$13.8 billion the House provided to the department in its fiscal 2020 bill.

Like the House bill, the Senate version released today would fully fund the payment in lieu of taxes program at \$500 million.

Senate appropriators decided to devote \$465 million to the popular Land and Water Conservation Fund, less than the \$523.9 million in the House bill.

The program is authorized for up to \$900 million annually; Democrats and some Republicans have pushed to provide full, mandatory funding for LWCF.

That difference in the amounts allocated to LWCF will no doubt be a sticking point when the two chambers hammer out their differences in conference committee.

"I'm disappointed to see barely, barely half of full funding" in the bill, said Sen. Steve Daines (R-Mont.). "I want to work with you both on a path forward; I look forward to continuing the conversation as we finalize the bill on Thursday."

For the first time, appropriators carved out \$6.5 million in the Interior account to help address the growing problem of missing and murdered indigenous women and girls. The money would go toward cold case investigations, equipment, training and background checks.

"We know it's going to take a lot of communication and coordination among law enforcement agencies to get this right," Murkowski said.

The Senate bill would provide \$2.25 billion for wildfire suppression activities, made available through the fiscal 2018 wildfire budget adjustment cap.

The "fire fix" in the 2018 legislation would avert "fire borrowing," in which the Forest Service has taken money out of non-fire-related accounts to cover rising wildfire expenses. Overall, the fiscal 2020 Senate legislation would allocate \$3.64 billion for fire suppression.

Interior agencies

The Senate fiscal 2020 Interior-EPA bill would provide funding for the following agencies, according to a summary provided by the majority:

- BLM: \$1.39 billion, an increase of \$53 million over the fiscal 2019 enacted level.
- National Park Service: \$3.36 billion, \$133 million more than the fiscal 2019 level.
- Fish and Wildlife Service: \$1.63 billion, an increase of \$52.7 million above the fiscal 2019 level.
- U.S. Geological Survey: \$1.2 billion, a boost of \$49 million from fiscal 2019.
- Office of Surface Mining: \$257.2 million, an increase of \$2 million from the fiscal 2019 level.

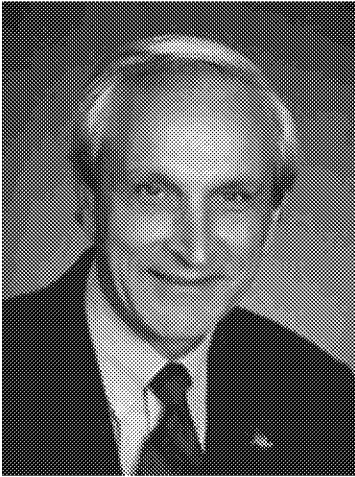
Ethics office placed partial limits on Region 6 chief

<https://www.eenews.net/eenewspm/2019/09/25/stories/1061169539>

Sean Reilly, E&E News reporter

Published: Wednesday, September 25, 2019

Ken McQueen, recently named administrator of EPA's Dallas-based Region 6 office, has received a partial go-ahead to work on matters involving New Mexico, where he previously led the state's energy and natural resources agency.



Ken McQueen. McQueen/LinkedIn

McQueen is "authorized to participate in new or future specific party matters that involve the state of New Mexico, but not on the very same specific party matters on which you worked on personally and substantially while employed by" the state agency, according to the "**impartiality determination**" issued early last month by Justina Fugh, EPA's alternate designated ethics official. Throughout his EPA tenure, McQueen has agreed to avoid participation in those matters, the determination says.

The determination, obtained by E&E News through a Freedom of Information Act request, does not spell out specific matters that require McQueen's recusal, but they would presumably include work he did on mining and oil and gas development.

The document is dated Aug. 5, the same day EPA Administrator Andrew Wheeler announced the longtime oil industry executive's appointment to head Region 6, which oversees day-to-day management of environmental programs in Texas, New Mexico, Arkansas, Louisiana, Oklahoma and 66 tribal nations (*Greenwire*, Aug. 5).

From late 2016 through the end of last year, McQueen had been secretary of the New Mexico Energy, Minerals and Natural Resources Department under then-Gov. Susana Martinez (R). He left when Martinez, who was term-limited, stepped down and was replaced by Gov. Michelle Lujan Grisham (D).

Since joining EPA, McQueen has been involved in at least one high-profile controversy affecting New Mexico: groundwater contamination near two Air Force bases in the state (*E&E News PM*, Aug. 6).

In the determination letter, Fugh noted that President Trump's ethics pledge, which generally bars political appointees from participating in specific matters involving their former employers, has an exception for state government but that federal ethics rules do not.

Reporter Kevin Bogardus contributed.

Lawmakers spar over ESA but find room for compromise

Michael Doyle and Kellie Lunney, E&E News reporters Published: Wednesday, September 25, 2019

Lawmakers wrangled over the Endangered Species Act yesterday, raising familiar arguments and apparently changing no minds.

But on less ideologically sensitive environmental turf, including certain grants programs that aid wetlands and combat big invasive rodents, some common ground emerged.

In a wide-ranging hearing before the House Natural Resources Subcommittee on Water, Oceans and Wildlife, a top Fish and Wildlife Service official offered support for **H.R. 925** to reauthorize the North American Wetlands Conservation Act (NAWCA) through fiscal 2024 at a funding level of \$60 million per year.

"NAWCA is the only federal grant program dedicated to the conservation of wetland habitats for migratory birds," Stephen Guertin, the FWS deputy director for policy, told the subcommittee.

Guertin said the administration also supports **H.R. 3399** to amend the Nutria Eradication and Control Act of 2003 to include \$7 million a year for California in the program, which currently includes Maryland and Louisiana.

Nutria are invasive, semi-aquatic and voracious South American rodents that can reach 40 pounds. As a visual aid, the bill's author, California Democratic Rep. Josh Harder, spoke next to a stuffed example of what he called a swamp rat.

"They eat a lot," Harder said. "In fact, nutria like this eat a quarter of their weight in food every single day."

A career FWS employee, Guertin added that "the department would be happy to work with the subcommittee to expand this program in the legislation to also include other impacted states."

Guertin was far more cautious about certain other bills. **H.R. 2748**, for example, would establish a National Climate Change and Wildlife Science Center and mandate other actions related to climate change.

"This bill appears to be duplicative of many ongoing efforts related to adaptation strategies for fish, wildlife and plants," Guertin said.

Differences as big as ever

The starkest contrast, though, centered yesterday on the ESA, with dueling plans offered by Democrats and Republicans on how to implement the 1973 law.

A bill by Natural Resources Chairman Rep. Raúl Grijalva (D-Ariz.), which lawmakers discussed at the hearing, would reverse recently adopted Interior Department regulations that critics say weaken the law.

"Unfortunately, the current administration has been busy undermining almost every single environmental protection we have," said subcommittee Chairman Jared Huffman (D-Calif.).



Rep. Paul Gosar (R-Ariz.) during a Congressional Western Caucus event yesterday on the Endangered Species Act. Francis Chung/E&E News

One change dealt with the difference between threatened and endangered species (*E&E News PM*, July 19, 2018). The law prohibits harming or harassing species designated as endangered, while the agency may establish looser regulations for species designated as threatened.

In 1978, FWS used that flexible authority to give threatened species all the protections of endangered ones. This is known as the "blanket 4(d) rule," named after the section of the law that allows it. The new administration rule tailors protections to each threatened species.

Another change involves critical habitats, which are areas important for recovery of a species. Sometimes an area can be considered vital for restoration even when it is not currently occupied by the species in question.

Under the new rule, FWS and NOAA Fisheries will designate unoccupied critical habitat only when the occupied areas are inadequate to ensure the conservation of the species or if inclusion of unoccupied areas would yield certain other specified benefits.

A third change concerns costs. The ESA requires listing decisions to be made "solely on the basis of the best scientific and commercial data available."

The new rules will allow cost-benefit analyses to be presented when an ESA listing is proposed, supposedly for information purposes only.

"The department is committed to ensuring that the ESA works for the American people and for the species it protects," Guertin said, adding the new regulations "seek to improve implementation of the ESA by increasing transparency and the effectiveness of the law."

'Nice contrast'

Meanwhile, on the other side of the Capitol at the same time as the hearing, the GOP-led Congressional Western Caucus held a roundtable with several House members and Interior's Karen Budd-Falen to discuss their vision for reforming the ESA. That vision includes a 19-bill draft legislative package.

Congressional Western Caucus Chairman Paul Gosar (R-Ariz.) said his event "with real people impacted by ESA listings" was a "nice contrast" to the Natural Resources subcommittee hearing on the Democratic bill that featured "left-wing" groups such as Earthjustice.

That hearing, he said, "seeks to move the country backward by repealing" the Trump administration's new ESA regulations.

The caucus's legislative package aims to modify several parts of the ESA, as well as codify the Trump administration's new rules.

Among the members' proposed changes:

- Authorize the Interior secretary to delist species based on an "objective" scientific study that a species is recovered.
- Increase the role of state, local and tribal governments in the petition and listing processes.
- Streamline the petition process to help reduce the backlog.
- Cap attorneys' fees at \$125 per hour for ESA lawsuits.
- Implement more protections for private property owners.

Gosar said lawmakers are still finalizing the bills and won't formally introduce them for a few months.

"We wanted to put them out there so we could start stimulating the conversation and discussion and get your feedback," he told roundtable participants.

The discussion also featured many industry and other representatives from various groups, including the California Farm Bureau Federation, New Mexico Cattle Growers' Association, Independent Petroleum Association of America and Western Energy Alliance.

'Not done yet'

Budd-Falen, Interior's deputy solicitor for parks and wildlife, said the department is "not done yet" with regulatory changes to the ESA, something she discussed in detail last month during a Western Caucus Foundation event in Lake Tahoe, Calif. ([Greenwire](#), Aug. 22).

Among other things, "our new proposed regulations are going to define what habitat is," she said, although she didn't offer a time frame for when those proposals would be released.

But conservation groups, including the Center for Biological Diversity, Earthjustice and Defenders of Wildlife, blasted the Western Caucus' legislative package.

"House Republicans' obsessions with dismantling the Endangered Species Act is totally out of touch with the public's values," said Stephanie Kurose, an endangered species policy specialist at CBD.

Marjorie Mulhall, legislative director for lands, wildlife and oceans at Earthjustice, said a "divided House" will contemplate which ESA legislative path to follow.

"One in which we follow the will of the American people who overwhelmingly support protecting imperiled wildlife facing extinction, and the other in which we do the bidding of extractive industries like oil and gas and push endangered species off the cliff," Mulhall said.

"The Trump administration put the first nail in the coffin for wildlife facing extinction, and now the Western Caucus is pulling out its hammer to try and finish the job," she said.

EPA fails to ensure public notification of risks — IG

<https://www.eenews.net/greenwire/stories/1061169137/feed>

[Corbin Hiar](#), E&E News reporter



EPA's Office of Inspector General released a report on oversight of drinking water risks. Antonio Calero/Flickr

EPA's internal watchdog today slammed the agency for repeatedly overlooking when public water systems don't adequately inform their customers of drinking water violations that could put the public at risk.

There are nearly 147,000 public water systems in the United States, which provide year-round drinking water to some 308 million customers, according to Charles Sheehan, EPA's deputy inspector general. Between 2001 and 2017, the IG and his team found those water systems didn't properly notify their customers of dangerous drinking water violations an average of 6,000 times per year.

That's a serious problem, the watchdog concluded after a 20-month investigation.

"Public notice serves as a vital step in protecting customers by alerting them when drinking water is not safe or when other problems occurred with the management of their drinking water," the IG's [report](#) says.

EPA has delegated oversight of drinking water systems to 49 states, five territories and the Navajo Nation. But the agency is still responsible for checking their work and directly overseeing water operations in Wyoming, the District of Columbia and the non-Navajo portions of Indian Country.

The IG found that "EPA needs to improve its oversight of notice regulatory requirements."

Currently, regulators with delegated authority "do not consistently enforce public notice regulations for drinking water violations," the report says. Also, EPA's online national drinking water [database](#), the Safe Drinking Water Information System, "lacks tools for tracking public notice requirements, which limits its use."

EPA even does a poor job of warning customers of dangerous water even when the agency hasn't delegated oversight to states or territories, the IG found.

EPA Region 8, which includes Wyoming and 27 tribes, doesn't record public notification violations or "maintain a comprehensive enforcement program." Regional drinking water staffers told the IG that, due to funding limitations, they "choose to focus on drinking water regulations that they assume directly impact human health, as opposed to public notice regulations."

The IG offered nine recommendations for the agency, including for it to update its out-of-date guidance for public notices and to overhaul its clunky drinking water database.

Three suggested fixes regarding oversight of regional administrators and database updates are unresolved "because the action official for these recommendations, the Deputy Administrator, did not respond to our draft report," the IG said.

EPA disputed the IG's decision to consider those recommendations unresolved.

The watchdog and his team "did not state that the proposed corrective actions are inadequate," an EPA spokesman said in an email. "Rather they objected to the signatories of the letter being the Assistant Administrators for EPA's Office of Water and Enforcement and Compliance Assurance, and as [the IG] noted resolution of this issue is under way."

EPA Rejects Proposal To Scale Back Cleanup Plans For Portland Harbor

<https://www.opb.org/news/article/epa-portland-harbor-superfund-cleanup-scale-back/>

by **Cassandra Profita**

Four of the parties responsible for cleaning up the polluted Portland Harbor say new testing shows the Superfund cleanup plan should be scaled back.

But the U.S. Environmental Protection Agency disagrees.

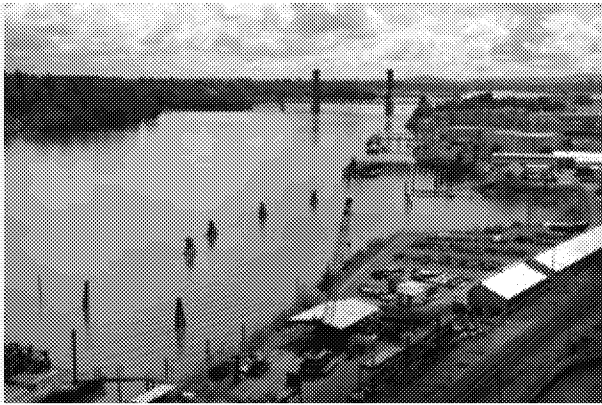
Arkema Inc., Evraz Inc., Schnitzer Steel and The Marine Group have spent about \$12 million testing the river's water, sediment and fish for contamination over the past two years in cooperation with the EPA.

The idea was to provide an updated look at the extent of pollution along the 11-mile Superfund site to guide the next phase of the cleanup process, in which hundreds of parties that share responsibility for cleaning up the area hash out their own individual clean-up plans.

The Willamette River's Portland Harbor Superfund site runs north from the Broadway Bridge to Columbia Slough. It's highly contaminated with dozens of pollutants from more than a century of industrial use. The EPA has spent decades developing a \$1 billion cleanup plan.

As part of that plan, the four companies agreed to map the bottom of the river, collect hundreds of soil and water samples and test them for pollution, and track and test resident fish for contaminants.

These companies say their latest testing shows the river is much cleaner than it was in 2004 — the last time the area was comprehensively sampled. In a report to the EPA, the group argues its findings support significant changes to the federal clean-up plan and major reductions in the amount of acreage that will need active cleanup.



More than a hundred parties share responsibility for cleaning up the highly polluted 10-mile stretch of the Willamette River known as the Portland Harbor Superfund Site.

Cassandra Profita/OPB/EarthFix

“The site has recovered significantly,” the report states. “Concentrations of contaminants of concern have significantly decreased in site sediment, surface water and fish tissue, greatly reducing the risks associated with the site.”

The EPA’s plan includes removing contamination in the river through dredging or covering it up by capping it with clean soil. But the companies say their test results support reducing the amount of dredging required by 75% and increasing the area left to recover naturally — without any active clean-up work — from 84% in the EPA’s existing plan to about 95%.

Documents show the new pollution testing found levels of the toxic industrial pollutants PCBs (polychlorinated biphenyls) have dropped by 52% across the Superfund site since 2004 while levels of PAHs (polycyclic aromatic hydrocarbons) dropped 79%.

The EPA ordered, approved and supervised the testing, and the agency says the results are acceptable. However, in a [memo](#) and [comments](#) responding to the group’s report, the EPA made it clear that it does not support the group’s conclusions about scaling back its cleanup plan.

“In general, the EPA does not agree that the data collected or the Pre-RD Group’s analysis support many of the conclusions presented,” Davis Zhen wrote in a Sept. 13 letter. “However, these new data sets ... will form the key underlying support for decision-making as remedial design work proceeds.”



Travis Williams, executive director of Willamette Riverkeeper, holds sand from the banks of the Willamette River in the Portland Harbor.

Travis Williams with the environmental group Willamette Riverkeeper said the EPA's existing plan already allows for a lot of natural recovery and only requires dredging and capping on 16% of the site.

"One of the things that group is trying to advocate for is doing even less cleanup of the river bottom," he said. "I think it's good [the] EPA is pushing back on that and saying, 'No we disagree with you.' For us and many others who have been working on this it's a pretty disappointing presentation by some of these companies."

EPA documents indicate the new pollution testing results will be used to update cleanup plans, but officials are still working to move the cleanup forward without delays. The agency has sent numerous letters to parties involved in the cleanup asking them to submit individual cleanup plans. So far, only a handful of parties have taken that step.

An industry representative familiar with the report from the four parties that did the recent pollution testing says the companies will eventually have to decide whether to challenge the EPA in court.

He spoke with OPB on the condition of anonymity to protect his client's position in the confidential allocation process, a closed-door proceeding where hundreds of companies are working out who is going to pay for how much of the cleanup.

"It makes sense to adjust the cleanup based on what the river looks like today," he said. "We volunteered to do this. We spent \$12 million and 18 months. We have a robust data set that shows the river getting cleaner. The EPA approved the research and won't use the data."

He said dozens of other parties are ready to move forward with their cleanups using the new data, and they're hoping the Trump administration will reconsider the agency's position.

"It's just a shame that we've wasted all this time and effort to compile the most comprehensive view of the river in more than a decade and EPA staff don't want to use that information to tailor the scope and size of the cleanup," he said. "At a time when the administration is reversing all the major Obama-era EPA decisions from greenhouse gas requirements to wetlands regulations, to double down on backing the last-minute Obama administration cleanup decision on Portland Harbor makes no sense."

EPA officials declined to speak on the record with OPB about the new pollution testing. But in [detailed comments](#) written in response to the companies' report on the testing results, the agency suggests that the group draws conclusions that challenge key underpinnings of the 2017 cleanup plan for the site, including studies that took decades to complete and would likely take many more years to revise.

A representative of another party involved in the allocation process said a lot of companies are ready to be done paying for the ongoing expenses involved in the cleanup. He declined to be named because the allocation process is confidential, but he said dozens of parties are weighing whether or not they should move forward with their plans or hold off because of the new pollution testing results.

He said some parties are at risk of running out of insurance money and declaring bankruptcy before the cleanup is through.

"There are a lot of companies paying for environmental consultants, government relations consultants, public relations consultants - it's extraordinarily expensive - and it's not something most companies want to have on their books long-term," he said. "For our company, we'd like to move forward, pay our fair share of the cleanup and return the river back to the people of Portland."

Message

From: Bellora, Brandon [Bellora.Brandon@epa.gov]
Sent: 10/15/2019 8:39:22 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily Clips 10/15/2019

Administration

[Foxes in the HenHouse](#)

[Local nonprofits sue the EPA over Cargill salt ponds ruling](#)

[Coming Months Pose Test Of Trump EPA's Criminal Enforcement Agenda](#)

Chemical

[EPA files request to get soil samples from abandoned East Chicago Superfund site homes](#)

[WeWork Warns Tenants That 2,300 Phone Booths May Be a Hazard](#)

[GLOBAL ETHANOL USE TO GROW DRAMATICALLY, SAYS USGC ANALYST](#)

[Trump administration proposes plan to raise U.S. biofuels use: EPA](#)

Air

[Panel touts tougher soot standards, hopes courts will help](#)

General EPA/Administration

[Foxes in the HenHouse](#)

By [E.A. Crunden](#) | Oct 15 2019

When the Environmental Protection Agency announced in August that a former fossil fuel executive would oversee environmental issues in Texas and neighboring states, the news largely flew under the national media's radar. Watchdog groups, however, were alarmed, and they quickly expressed concern about the decision to appoint long-time oil industry insider Ken McQueen to lead the EPA's Region 6, which is the epicenter of fossil fuel extraction in the United States.

"I think it raises legitimate questions," said Virginia Canter, chief ethics counsel for the nonprofit, nonpartisan government-monitoring group Citizens for Responsible Ethics in Washington, or CREW.

Canter, whose organization focuses on accountability and ethics, noted that while the government has systems in place to guard against conflicts of interest, the optics of appointing McQueen send a disconcerting message. "It looks like industry will benefit," she said, explaining that appointees from industry backgrounds might "be more likely than not to represent industry interests rather than the American people."

McQueen's selection fits into a broader trend for federal agencies under the Trump administration, particularly the EPA. High-profile appointees often come from industry backgrounds, only to take government positions overseeing the same sectors in which they once worked. Some later return to the private sphere, often to work as lobbyists on the issues they previously regulated.

This "revolving door" goes all the way to the top. Disgraced former EPA administrator Scott Pruitt, for example, is now working as a fossil fuel lobbyist after rolling back environmental protections while leading the agency. His replacement, Andrew Wheeler, is himself a former coal lobbyist.

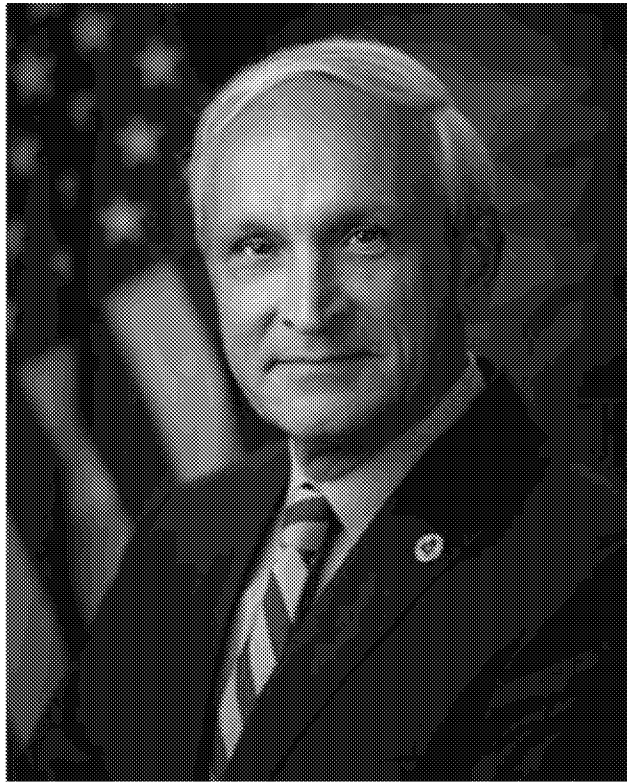
While Pruitt and Wheeler are high-profile figures given their titles, some less prominent appointees, such as McQueen, are also starting to attract scrutiny.

From 2016 to 2018, McQueen, who has deep roots in the oil and gas industry, served as New Mexico's energy secretary. He previously worked in the fossil fuel sector for more than 35 years, most recently as vice president for the Oklahoma-based WPX Energy. The company has investments in the oil- and gas-rich Permian Basin, an area straddling Texas and New Mexico. In his new position, McQueen oversees both those states, along with Louisiana, Oklahoma, Arkansas, and the lands of 66 Native American nations.

Luke Metzger, executive director of Environment Texas, said he is "very concerned" about McQueen's appointment. "He's had a long career in oil and gas, and then while in New Mexico proceeded to roll back environmental standards," Metzger explained.

Metzger also noticed that EPA's announcement of McQueen's appointment touted his experience rolling back rules and regulations. "It didn't say anything about any results in improving environmental quality," Metzger said.

Metzger is worried that the emphasis is an indicator of where the agency's priorities lie in the era of President Donald Trump. Having a figure so close to the fossil fuel industry overseeing Region 6 could give oil and gas companies an advantage over wind and solar competitors, he fears, and in the process set back efforts to accelerate the transition to a clean energy economy.



Ken McQueen

| Photo courtesy of US EPA

McQueen has shied away from addressing climate change, which he called "just part of the history of the world we live in" during the confirmation hearings for his prior New Mexico position. While he revised that view in an August 2019 interview with the legal publication *Law360*, critics remain worried that McQueen will not prioritize combating global warming.

In addition to McQueen, another controversial figure is former Dow Chemical lobbyist Dennis Deziel, who now oversees EPA Region 1, which encompasses the New England states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, along with the territories of 10 Native American nations. The region is home to a number of Superfund sites—areas so deeply contaminated by toxins that they have been singled out for cleanup by the government. Many are polluted as a direct result of industrial activity.

One company that is often in the subject of Superfund cleanups is Dow, Deziel's former employer. Dow has a long history of environmental scandals, including concealing documents from the government after dioxin contamination in Michigan sparked a 2003 lawsuit.

Deziel has argued that his experience dealing with the industry side of chemical contamination makes him qualified for his current role. But some watchdog groups say Deziel's prior work has some alarming overlap with his current portfolio. According to the nonpartisan Center for Responsive Politics, Deziel has done significant lobbying for Dow on environmental and Superfund issues. Dan Auble, a senior researcher with CRP, explained that lobbying records on specific issues can be hard to pinpoint, but that filings clearly lay out components of Deziel's former position.

□ "Any time you've got former industry members... in important positions, heading important regions, it raises the question of whether or not they're [acting in] the public's best interests in terms of protecting the environment, or just continuing to represent their industry."

“Since we don't get a breakdown of how much [time, money, and effort] he spent on each issue, it is difficult to say what he spent the majority on,” Auble said. “But ‘Environment & Superfund’ showed up... on more filings than the others since 2014.”

Deziel isn't the only former Dow employee with control over Superfund sites. Former Dow attorney Peter Wright is now leading the EPA's waste and Superfund cleanup office, even after Senate Democrats sought to block his nomination in July.

Wright once described himself as Dow's “dioxin lawyer” and worked on behalf of the company as it dealt with the EPA over Superfund issues. Wright has recused himself from some 300 Superfund and hazardous waste sites that involve his former employer, but ethics experts like CREW's Canter still have concerns.

“Any time you've got former industry members... in important positions, heading important regions, it raises the question of whether or not they're [acting in] the public's best interests in terms of protecting the environment, or just continuing to represent their industry,” she said.

Such conflicts of interest have already led to the downfall of one EPA insider. Bill Wehrum, the former head of the EPA's office of air and radiation, lobbied on behalf of major chemical companies before joining the government. He resigned from the EPA in June, just as the House Energy and Commerce Committee opened an investigation into whether Wehrum had used his position at the agency to help former clients.

Wehrum's successor, Anne Idsal, has spent her career in government working on land and environmental issues. But Idsal, who comes from a wealthy Texas Republican family, has maintained close ties with the oil and gas industry despite her work, leading to ethics concerns. Idsal proceeded McQueen as head of Region 6 under the Trump administration and her stance on climate change echoes industry talking points. In a 2017 interview with the Texas Observer, Idsal argued that there is “still a lot of ongoing science” about global warming, and that “climate has been changing since the dawn of time, well before humans ever inhabited the Earth.”

Given her role overseeing air and radiation policy, Idsal's views and her ties to fossil fuel executives could have significant implications for federal climate action. Along with McQueen, Deziel, Wright, and other officials, Idsal is helping to shape government environmental policy, likely with input from industry stakeholders.

Environmental and public interest watchdogs worry that the close relationships between federal officials and corporations are fraught with conflicts of interest and have spurred the sweeping rollbacks on environmental and public health standards. “They're implementing policy on a day-to-day basis... [their industry ties] are going to have a direct impact,” said Canter, who underscored that such political appointees are only heightening fears about the influence of private sector corporations on the Trump administration.

In January 2017, immediately after his inauguration as president, Trump ordered that federal agencies reduce their costs by scaling back regulations. The White House mandated that for every new rule issued, two other rules would have to be scrapped. According to an August 2019 report from the EPA's Office of Inspector General, the agency “exceeded” that executive order by a wide margin in 2017 and 2018. After issuing only four new regulations during that time, the EPA cut 26. “[T]he EPA had the highest number of deregulatory actions of any federal agency,” the report observed.

Given such aggressive rollbacks, Canter offered a grim warning about the corporate infiltration of the Trump administration's EPA: “It looks to me like an industry takeover.”

Local nonprofits sue the EPA over Cargill salt ponds ruling

Uploaded: Mon, Oct 14, 2019, 8:38 am



An aerial image of the Redwood City Salt Ponds, taken in May 2013, included in the nonprofits' lawsuit document. (Photo by Kenneth Lu.)

by [Kate Bradshaw](#) / Almanac

A coalition of local nonprofits has teamed up to sue the U.S. Environmental Protection Agency (EPA) and its head, Andrew Wheeler, over the agency's recent decision that the Redwood City Salt Ponds, owned by Cargill, Inc., are not subject to the U.S. Clean Water Act.

The EPA's decision was a reversal of a prior draft determination by the agency, released in November 2016, that laid out findings that the majority of the Salt Ponds property and the areas surrounding it constitute waters of the United States, according to the lawsuit.

The nonprofits filing suit are San Francisco Baykeeper, Save the Bay, the Committee for Green Foothills, and the Citizens' Committee to Complete the Refuge.

In addition, California Attorney General Xavier Becerra filed a separate lawsuit against Wheeler and the EPA on the same day, Sept. 24.

Both lawsuits, filed in the U.S. District Court for the Northern District of California, challenge the legality of the EPA's determination, announced on March 1, that the 1,365 acres of Redwood City Salt Ponds are not governed by the Clean Water Act.

The site was first developed to create salt ponds in 1902, and later developed into the Leslie Salt Company. Levees were built in the 1930s to separate the salt ponds from the surrounding marshlands.

Since 1978, the salt ponds have been owned by Cargill, Inc., and are currently owned by Cargill Point, Inc.

In 2009, Cargill announced plans to build more than 12,000 housing units on the salt ponds property.

In 2012, the company withdrew the plan because it was publicly opposed, but sought a determination from the EPA that the Clean Water Act did not apply to the salt ponds.

The Clean Water Act governs the nation's waters and has among its goals "eliminating all discharges of pollutants into navigable waters" and promoting water quality.

In 2016, the EPA released a draft determination that the "vast majority" of the salt ponds are subject to that law, according to the Committee for Green Foothills.

In March, Wheeler, the EPA's acting administrator, reversed that ruling.

The EPA's report stated, "The occasional exchange of water through the levees between the San Francisco Bay and the salt ponds for purposes of operating and maintaining the salt processing does not constitute waters "overtak[ing] the land ... and therefore does not render the site jurisdictional under the (Clean Water Act.)"

In making this determination, the nonprofits' lawsuit states, the EPA was effectively "authorizing the pollution or destruction of the Site's waters."

The suit argues that the ponds fall under the jurisdiction because they were once part of the Bay and are navigable, even if they're no longer subject to tidal inundation.

More than 90% of the Bay's wetlands have been destroyed, and the property under discussion is one of the last remaining undeveloped areas along the Bay's shoreline, the lawsuit states.

It's adjacent to lands that are protected at the federal and state levels, like the Don Edwards National Wildlife Refuge, Ravenswood Open Space Preserve and the Palo Alto Baylands Preserve. The U.S. Fish and Wildlife Service has proposed adding it to the Don Edwards National Wildlife Refuge because of its ecosystem and wildlife habitats.

The lawsuit argues that the EPA was wrong to assert that the site is "fast land" and nonjurisdictional, since the property is not "dry, solid upland" as the EPA claims.

Official responses

In a press statement, Becerra said: "It's a sad day when the country's 'environmental protection agency' looks at San Francisco Bay and doesn't see a body of water that it should protect. We should restore the Bay, not build on top of it. This unlawful proposal is simply an attempt by the EPA to overlook its obligation to protect our nation's waters in order to fast track development. President Trump, California's precious San Francisco Bay is not for sale."

Megan Fluke, executive director of the Palo Alto-based Committee for Green Foothills, said in a press statement: "The salt ponds are part of the Bay. Development here would not only destroy restorable wetlands, it would put homes and businesses in the path of sea level rise, on an earthquake liquefaction site, and next to heavy industry."

In a written statement, U.S. Sen. Dianne Feinstein also gave support for the lawsuit: "The administration's failure to protect the San Francisco Bay salt ponds puts the bay's entire ecosystem at risk. I support the lawsuit filed by Attorney General Becerra and environmental groups in order to ensure the Clean Water Act is enforced and the salt ponds are protected. ... The health of the San Francisco Bay will largely be determined by the future of these surrounding salt ponds. We can't let the administration shirk its responsibility to safeguard this national treasure."

Coming Months Pose Test Of Trump EPA's Criminal Enforcement

Agenda

October 15, 2019

The next several months will reveal how much the Trump administration is prioritizing criminal environmental enforcement as the first cases started under this administration come to fruition, and will also see electronic compliance reporting continuing to increase, says a top EPA criminal enforcement official from the Obama administration.

As criminal cases can span lengthy time periods, many of the major criminal enforcement cases the Trump EPA has brought are holdovers from the Obama administration, Doug Parker, EPA's Criminal Investigation Division director from 2012-2016, said on an Oct. 10 American Bar Association webinar on environmental enforcement. "I think if we look in the next six to 12 months, it'll be interesting to see which cases have been originated in post-January 2017," when President Donald Trump took office.

That will give “a little bit more of a flavor for the direction of the criminal program and where the agency’s leadership wanted to take it,” he said. He said he believes the program is moving forward, although with slightly lower resource levels. Parker is now an environmental consultant, heading up E&W Strategies. In his talk, Parker also advised decoupling the Trump administration’s deregulatory efforts from enforcement policy and practice. “If you have folks who think the regulatory changes are key indicators that the enforcement cop is off the beat, I think that is not only not accurate, but it is unwise and shortsighted.”

While there have been significant changes in federal enforcement policy -- such as DOJ placing limits on supplemental environmental projects -- core laws have not changed, he said in slides he presented. And while there may be reductions in emphasizing certain areas, “do not assume a focus on de-regulation leads the government to ‘taking a pass’ on clear enforcement violations,” he said.

EPA’s 2017 criminal enforcement office record shows the agency collected fines, restitution and court-ordered environmental projects that year for \$2.98 billion. Much of that amount resulted from an effort that began in the Obama administration, with Volkswagen in 2017 agreeing to pay \$2.8 billion as a criminal penalty for installing defeat devices in its vehicles to cheat on EPA-mandated Clean Air Act emissions tests.

Parker, however, noted that EPA’s criminal enforcement program does not operate autonomously, as it is much more focused on where the Justice Department (DOJ) goes as DOJ to some degree makes the prosecuting decisions.

He said the criminal enforcement program is much more “reactive” than the civil enforcement side, although on the criminal enforcement side, EPA has placed significant resources into pursuing vehicle aftermarket defeat device cases, and cases with a clear public health impact such as catastrophic incidents and water compliance cases, he said.

But Public Employees for Environmental Responsibility (PEER) -- which represents natural resource professionals in government, including enforcement agents -- earlier this year contended that EPA’s criminal enforcement has been “missing in action” under the Trump administration. In a January press release, it cited, for example, that in 2018 the agency generated the fewest new criminal case referrals in any given year since 1988. In fiscal year 2018, EPA asked DOJ to prosecute 166 cases, an almost 60 percent reduction from 2011. The number of criminal investigators at EPA also dropped, PEER alleged. Further, decisions on prosecution referrals became centralized under the Trump administration, enabling political appointees to block them, it says.

Compliance Trends

Parker also talked about emerging trends in environmental compliance -- an area that the Trump administration is emphasizing as compared to enforcement -- saying compliance reporting is now much more “clear-cut.”

In particular, he pointed to greater electronic reporting among all environmental sectors, the breaking down of separate “governmental data silos,” the heightened role of non-governmental organizations (NGOs) in evaluating compliance and exposing alleged non-compliance, and an acceleration of public expectations for companies to comply with environmental laws.

“So, what goes on behind the fence line is simply not going to stay behind the fence line,” Parker said.

Advances in public reporting and transparency over the next five years will alter “how the public, and to a degree how the government, looks at things.”

In speaking about the diminishment of governmental data silos, he noted that while he does not want to “oversell this,” if one were to ask 15 years ago whether EPA and the Occupational Safety & Health Administration (OSHA) were jointly sharing data for targeting purposes, the answer would largely be no; those were two distinct tracks. But now there is more engagement, he said, adding that agencies need to step up even more and focus on “analytical and smart targeting in that space.”

NGOs are also beginning to fill the gap, he said, grabbing this data themselves and putting together data analytics teams. And while it may not be actionable, that effort can impact companies’ public reputation and could lead to other litigation, he said.

He also cautioned against discounting public expectations for companies to have improved environmental stewardship. Companies that ignore that public sentiment put themselves and their bottom line at risk, he said. As well, he said the financial markets are beginning to look at environmental and social factors. He said the money flowing into so-called Environmental, Social and Governance funds has been “extraordinary” over the

past three to four years. There will be an expectation from Wall Street and data firms that compliance will become much more of a “difference maker,” he said.

Deregulation Impacts

Parker also noted that as NGOs have been aggressively litigating deregulatory efforts, and have largely been successful, the regulatory landscape remains fluid.

Another trend in the enforcement arena is that states and municipalities have stepped up to take their own enforcement actions, responding to a perceived absence of enforcement, he said. He noted decades of efforts in that arena by California, and more recent efforts by the Michigan attorney general’s office to respond to Flint, MI, lead issues, and work by the Harris County, TX, district attorney to address issues over a chemical facility’s catastrophic incident in Houston. “I think you’ll continue to see in the trends more and more enforcement scrutiny from certain large municipalities and certain states.” -- *Suzanne*

Yohannan (svohannan@iwpnews.com)

Chemical

EPA files request to get soil samples from abandoned East Chicago

Superfund site homes

By Meredith Colias-Pete

Oct 14, 2019 | 1:24 PM



Protective fencing marks lead-contaminated land at 149th Street and Kennedy Avenue in East Chicago in file photo. (Joe Puchek / Post-Tribune)

The U.S. Environmental Protection Agency has filed a lawsuit in federal court asking for permission to take soil samples outside eight abandoned homes in East Chicago's U.S.S. Lead Superfund site.

Each could be contaminated with lead and arsenic, Remedial Project Manager Sarah Rolfes wrote in documents filed in federal court Friday. All are located in Zone 2.

After phone calls and certified letters, it was only able to locate one owner on the 4700 block of Kennedy Avenue who has not allowed them to step on the property, she wrote. Another owner is dead and the others could not be reached.

Since 2016, 498 of 582 sampled properties in Zone 2 - or 85% - have already tested for high levels of lead and arsenic, she wrote.

Woman Sees a Car Stop for Pregnant Begger. This is What She Finds Out When She Follows - A Mysterious Woman She couldn't take her eyes of...

It is asking to take 10 30-inch samples on each property - five in front, five in back. The work would be done between 8 a.m. and 7 p.m., lasting between 4-6 hours, she said. The Kennedy Avenue owner can appeal within five business days to federal court or the U.S. Attorney's Office.

Notices will not be left on the properties.

“We do not believe it would be advisable to leave copies of the Warrant Application materials at the abandoned properties, because the materials may lay untouched and further identify the properties as abandoned,” Rolfes wrote.

Sites include: Two homes in the 4800 block of Alexander Avenue, one home in the 4900 block of Alexander Avenue, one home in the 4700 block of McCook Avenue, two homes in the 4800 block of McCook Avenue, one home in the 400 block of Vernon Avenue and a home in the 4700 block of Kennedy Avenue.

In 2009, East Chicago’s Calumet neighborhood was designated an EPA Superfund site.

That federal designation triggered the EPA to start developing a plan to clean up lead contamination around the homes of the people who lived in Calumet.

[Most read] Column: NFL officials’ horrible calls help the Packers beat the Lions — and ESPN’s Booger McFarland made sure we knew it »

On July 22, 2016, East Chicago Mayor Anthony Copeland sent West Calumet Housing Complex residents a letter informing they had to move because of the high levels of lead and arsenic in the soil.

As the news set in for those residents, others living in the Calumet neighborhood saw growing numbers of EPA crews taking soil samples and they later learned the contamination was outside their homes as well.

The housing development has since been razed and the city is continuing to consider its future.

WeWork Warns Tenants That 2,300 Phone Booths May Be a Hazard

The booths could have high levels of formaldehyde, said the company, which is coping with a failed I.P.O. and a corporate shake-up.



Image

WeWork said a complaint about odor and eye irritation led it to investigate the booths. Credit: CreditCole Wilson for The New York Times

By Ed Shanahan

- Published Oct. 14, 2019 Updated Oct. 15, 2019, 11:37 a.m. ET

WeWork, the shared-office company already coping with a failed public offering and a corporate shake-up, disclosed a new problem on Monday: possible formaldehyde contamination of hundreds of phone booths at some of the buildings it leases.

In a note to tenants at an unspecified number of its sites in the United States and Canada, the company said it was removing the booths because of “potentially elevated levels of formaldehyde caused by the manufacturer.”

“We have identified approximately 1,600 phone booths in some of our U.S. and Canada locations that may be impacted,” said the note, a copy of which was obtained by The New York Times. “These phone booths are being taken out of service immediately, and will be removed from your location as soon as possible.”

The company said it would remove another 700 booths for testing “out of an abundance of caution.”

Several tenants who received the note posted copies on Twitter, with commentary attached.

“Bad month for wework,” wrote one, Rachel Z. Kaplowitz. “Now they’re removing a bunch of phone booths in our building b/c of formaldehyde concerns. Over under on us getting our security deposit back when we move out later this month?”

Formaldehyde is used primarily to produce resins for particleboard products and as an intermediate in the synthesis of other chemicals, according to the Environmental Protection Agency. Exposure to formaldehyde can cause respiratory symptoms, and eye, nose, and throat irritation, according to the agency, which considers it a probable human carcinogen.

In a statement that echoed the note sent to tenants, WeWork said that a complaint about odor and eye irritation had prompted it to investigate the booths. The company declined to say when it received the complaint.

“WeWork performed an analysis, including having an outside consultant conduct a series of tests on a sampling of phone booths,” the company said in its statement. “Upon receiving results late last week, we began to take all potentially impacted phone booths out of service.”

The phone booths are a key feature of WeWork’s shared-office concept because they offer private places for making calls in otherwise open-layout spaces. The company told tenants in its note that it would provide “alternative quiet spaces” where phone booths are unavailable.

Addressing the phone booth problem could be costly for WeWork, which just months ago appeared set for a lucrative public offering and is now trying to stay afloat.

The company abandoned the planned offering last month after prospective investors questioned its unusual corporate structure, its continuing failure to turn a profit and its sky-high valuation.

The Japanese conglomerate SoftBank, a major investor, valued the company at \$47 billion in January. But as the planned offering approached, the company struggled to persuade money managers to buy shares at a valuation as low as \$15 billion.

Before withdrawing the share sale, the company said that Adam Neumann, its charismatic but unpredictable co-founder, would step down as chief executive. Under Mr. Neumann’s leadership,

WeWork grew at a torrid pace to become the largest private tenant in Manhattan and a major player in London, San Francisco and other big cities.

Other elements of Mr. Neumann's grand plans have failed to gain traction.

WeLive, an effort to apply the shared-office-space concept to dormitory-style living in a way that Mr. Neumann envisioned as integral to the company's future, has not expanded beyond its first two sites.

Last week, the company said that another subsidiary, WeGrow, a for-profit private school in the Chelsea neighborhood of Manhattan that opened in 2018, would close next year.

The school, which has about 100 students and where tuition for 3-year-olds starts at \$36,000, has described its mission as "elevating the collective consciousness of the world by expanding happiness and unleashing every human's superpowers."

GLOBAL ETHANOL USE TO GROW DRAMATICALLY, SAYS USGC ANALYST

Successful Farming

By Chuck Abbott

10/15/2019

Flickr: chumlee10

China, Brazil, and the United States will help drive a dramatic global increase in ethanol consumption in the next 10 years, said a U.S. Grains Council analyst on Monday. However, the Sino-U.S. trade war will blunt the opportunity for ethanol from the United States, the world's largest exporter, to win a share of the Chinese market in the near term.

Ethanol production hit 110 billion liters in 2018 and could expand significantly in the next decade, said Mike Dwyer, chief economist for the export-promoting Grains Council, at the Global Ethanol Summit. Some 400 people from 60 nations attended the conference in Washington.

"We think that number (110 billion liters) is set to grow dramatically, especially with developments in China, Brazil, and the United States itself as we make our transition to mid-level blends and higher," said Dwyer.

Farm groups and ethanol makers expect ethanol sales to rise now that E15 can be sold year-round. Until this year, sales of E15, a 15% blend of ethanol into gasoline, were banned during the summer. The traditional

ethanol blend is 10%, which Grains Council president Ryan LeGrand called “just a starting point. It will work in any vehicle.”

About 10% of global ethanol production is sold on the world market, with the United States holding a 61% market share. Brazil, second to the United States as a producer and also second in exports, accounts for one fifth of sales.

Speakers at the ethanol summit extolled ethanol as an octane-enhancing fuel that reduces air pollution and could help nations meet their pledges under the Paris Accord to reduce greenhouse gas emissions. The biofuel also reduces dependence on petroleum, they said. Five dozen countries have policies that encourage use of biofuels.

China, the world’s most populous nation, says it will adopt E10 beginning in January. But it can produce only one-third of ethanol that is needed to meet its goals, so large-volume imports may be necessary, said Dwyer.

“That is what is so unfortunate about the trade war we are having with them right now. The United States could provide more ethanol to China, but we face 70% duties,” he said. If the trade war tariffs were removed, “we could find a pretty good home in China,” even with the previous 30% tariff.

Brazil’s RenovoBio policy, taking effect in the new year, will encourage use of E100, said Dwyer. Over time, it could increase ethanol use by 20 billion liters annually, enough to nearly double consumption.

In the near term, Asia offers the greatest potential for growth, because of a rising middle class and low ethanol consumption at present, followed by Central and South America, said Dwyer.

About 35% to 40% of the U.S. corn crop is used to make ethanol. The USDA says corn-for-ethanol has hit a plateau of around 5.4 billion bushels a year. Domestic ethanol consumption declined for the first time ever in 2018.

Trump administration proposes plan to raise U.S. biofuels use:

EPA

Reuters

NEW YORK (Reuters) - The Trump administration, in an effort to mend fences with the powerful corn lobby, proposed a deal on Tuesday to offset waivers for oil refiners exempting them from the nation’s biofuel blending requirements.



FILE PHOTO: The U.S. Environmental Protection Agency (EPA) sign is seen on the podium at EPA headquarters in Washington, U.S., July 11, 2018. REUTERS/Ting Shen/File Photo

The proposed plan would calculate the volume of biofuels U.S. refiners have to blend by using a three-year average of exempted gallons as recommended by the Department of Energy, the Environmental Protection Agency said.

This will potentially boost demand for biofuels like ethanol, a response to farmers outraged by the EPA's decision in August to exempt 31 oil refineries from their obligations under the nation's Renewable Fuel Standard (RFS).

The plan was announced as a supplement to proposed 2020 blending rules, which requires the refining industry to blend ethanol and other biofuels into the nation's gasoline. As part of the RFS, EPA can exempt small refineries if they prove compliance would cause disproportionate economic hardship.

Some biofuels industry leaders were skeptical about the proposal.

"The supplemental notice contains a never-before-discussed proposal to estimate small refinery exemptions, with no assurance that the estimate will come close to actual exemptions," the National Biodiesel Board said in a statement.

Trump's EPA had vastly expanded its use of the provision allowing small refining facilities to seek waivers if they can prove compliance would cause them disproportionate financial hardship. That angered farmers, who saw it as a way to undercut ethanol demand.

Oil companies have consistently resisted measures to expand the biofuels market, which they view as a competitor. Refiners complain that the requirements under the RFS cost them greatly.

Small facilities owned by oil majors such as Exxon Mobil and Chevron Corp have been among those to secure recent exemptions.

EPA will hold a public hearing on the proposal on Oct. 30, followed by a 30-day comment period for public input before the agency finalizes the rules later this year, it said.

Air

Panel touts tougher soot standards, hopes courts will help

EEnews

Sean Reilly, E&E News reporter Greenwire: Monday, October 14, 2019



Chris Frey chairing a public meeting of the Independent Particulate Matter Review Panel last week. Francis Chung/E&E News

After two days of deliberations, an unofficial panel of air quality experts has tentatively concluded that EPA's fine particulate matter standards need significant tightening.

Though agency leaders may not pay heed to their findings, the panel members are optimistic that federal judges will listen.

What is dubbed the Independent Particulate Matter Review Panel will likely recommend that the primary annual standard for exposure to fine particulates be cut from 12 micrograms per cubic meter of air to somewhere between 8 and 10 micrograms per cubic meter of air, Chris Frey, the group's chairman, said in an interview late Friday.

Along the same lines, the panel is "provisionally" looking at a recommendation that the 24-hour standard be cut from 35 micrograms per cubic meter of air to a range between 25 and 30, Frey said.

Both recommendations would be in keeping with a draft EPA assessment released last month, which found the current standards may be too weak to prevent thousands of premature deaths each year (*E&E News PM*, Sept. 5). Like Frey, a professor of environmental engineering at North Carolina State University, the group's other 19 members were all part of an official EPA advisory panel disbanded last fall by then-acting Administrator Andrew Wheeler. They have since regrouped with logistical help from the Union of Concerned Scientists, a research and advocacy group critical of Trump administration policies (*Greenwire*, Oct. 10).

With a public teleconference planned for this Friday, the panel hopes to incorporate its final suggestions into a letter before an official EPA body known as the Clean Air Scientific Advisory Committee meets next week, Frey said. As he and other panel members acknowledged, the ultimate target audience is not EPA's political leadership but the U.S. Court of Appeals for the District of Columbia Circuit, which would hear any lawsuit challenging the agency's final decision on the standards.

"I think the courts have shown that they do care about the science," Frey said Friday. "We are writing our letter keeping in mind that this will become part of the public record in judicial review and the courts may have the last say."

Under the Clean Air Act, particulate matter, sometimes referred to as soot, is among a half-dozen pollutants for which EPA is supposed to periodically review and, if needed, revise ambient air quality standards for to adequately protect public health.

Fine particulates are technically known as PM_{2.5} because they are no more than 2.5 microns in diameter, or one-thirtieth the width of a human hair. They are linked to an array of heart and lung ailments. Recent epidemiologic studies "consistently report positive associations between long-term PM_{2.5} exposures and a wide range of health outcomes," EPA staff reported in the draft policy assessment released last month. Those include premature deaths, lung cancer and nervous system effects, the assessment said.

But the current review is playing out under a truncated timetable imposed by former EPA Administrator Scott Pruitt and since endorsed by Wheeler, who won Senate confirmation earlier this year to serve as Pruitt's successor.

Instead of concluding in 2022, as previously scheduled, the review is now supposed to wrap up by late next year. While Wheeler has described his decision to disband the review panel as a streamlining move, critics see it as one in a series of moves intended to skew the outcome. Tony Cox, the current chairman of the seven-member Clean Air Scientific Advisory Committee (CASAC), is a consultant who has previously worked for energy and chemical industry trade groups.

While Cox has said he is committed to an impartial assessment of the particulate matter standards, he delivered a blistering critique earlier this year of a preliminary EPA roundup of the latest scientific research, which cited evidence that the existing limits are inadequate (*Greenwire*, March 8).

The CASAC is now set to discuss the draft policy assessment during an Oct. 22 teleconference, followed by face-to-face public meetings Oct. 24 and 25 near EPA's offices in Research Triangle Park, N.C.

At the same time as he disbanded the particulate matter review panel last fall, Wheeler scrapped plans to create a separate body to aid in a similar fast-track assessment of EPA's ground-level ozone standards, which were last tightened in 2015.

As of now, the Union of Concerned Scientists hasn't decided whether to organize a similar parallel panel for that assessment, a top staffer said last week.

"We're certainly monitoring that process," Gretchen Goldman, research director for the group's Center for Science and Democracy, said in an interview. "We'll see how we can ensure that is also informed by independent science."

In a related development, EPA has dropped plans for a separate "peer review panel" to meet next Monday to discuss a study titled "Potential Approaches for Characterizing Benefits at Low PM2.5 Concentrations" (*Greenwire*, Sept. 3).

That study, which was supposed to be released about three weeks ago, is still "undergoing internal review," according to a notice on an EPA website. "As a result, the planned peer review panel meeting will be delayed. EPA will provide updates via this website as soon as they are available."

Broadcasts

Administration

WJR-AM: Administrator Wheeler interview on WJ-AM/ Detroit water

<http://mms.tveyes.com/MediaCenterPlayer.aspx?u=aHR0cDovL2l1ZGllhY2VudGVyLnR2ZXllcy5jb20vZG93bmxvYWRnYXRld2F5LmFzcHg%2FVXNlcklEPTc4NDkzNiZNRElEPTcyMzU0Nzk0Jk1EU2VlZD0yMzEmVHlwZTlNZWRpYQ%3D%3D&expand=true>

Message

From: Molina, Michael [molina.michael@epa.gov]
Sent: 9/14/2019 1:20:28 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
Subject: Fwd: FYI

Precious

Sent from my iPhone

Begin forwarded message:

From: "Abboud, Michael" <abboud.michael@epa.gov>
Date: September 13, 2019 at 3:31:08 PM EDT
To: "Molina, Michael" <molina.michael@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>
Cc: "Woods, Andrea" <Woods.Andrea@epa.gov>, "Beach, Christopher" <beach.christopher@epa.gov>, "Block, Molly" <block.molly@epa.gov>, "McFaul, Jessica" <mcfaul.jessica@epa.gov>, "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>
Subject: FYI

EPA

Gina McCarthy: Switch from Pruitt to Wheeler 'a good thing'

Kevin Bogardus, E&E News reporter

Former EPA Administrator Gina McCarthy was stumped for a beat when asked what the Trump administration had done right with the environment.

Speaking at the Online News Association Conference in New Orleans, McCarthy, who led the agency during President Obama's second term, then offered measured praise for Andrew Wheeler, EPA's current administrator, compared with his predecessor Scott Pruitt, who resigned in July last year facing a swirl of ethics scandals.

"Scott Pruitt was a real problem, a credibility problem. Andrew Wheeler is a much more thoughtful person who actually knows how government works," said McCarthy, now director of Harvard University's Center for Climate Health and the Global Environment.

She said that Wheeler's knowledge of government will make it more difficult to overturn his actions at EPA via litigation. She also said Wheeler's talking with EPA staff members, even if he doesn't embrace what they say, was an improvement from Pruitt.

"So I think shifting away from Scott Pruitt to Andrew Wheeler for the sake of the agency was a good thing, although I have trouble with the decisions they're making," McCarthy said.

"Andrew Wheeler has made a couple of small decisions that do actually seem respectful of the mission of the agency, so I will give him credit for that."

Since leaving office, McCarthy has been a vocal critic of the Trump administration, and her remarks today continued in that vein, decrying EPA's moves on today's repeal of the Obama administration's "Waters of the U.S." rule as well as targeting the Mercury and Air Toxics Standards. She offered advice for whoever will be the next EPA administrator.

"I think the next administrator will have to give a lot of thought first to making sure that the internal processes of the agency are functioning again," McCarthy said.

"Make sure science can be science. Make sure scientists are in the right places where they can properly advise. Continue to beef up our ability to get out in the real world and say: 'We're back on track. We care about public health and environmental protection; that's our mission. We'll follow the law,'" McCarthy said.

McCarthy said it will not be easy restoring rules rolled back by the Trump EPA, adding that some of those rollbacks may not survive court challenges. She also noted that the energy industry is moving faster into renewable power than expected by Obama's signature climate change rule, which has also been pulled by the Trump administration.

"If the Clean Power Plan is already falling behind the pace of change in the United States, then we need to do more," McCarthy said.

The former EPA administrator also said she would not accept a carbon tax in preemption of regulation and liability for fossil fuel companies over climate change.

"Clearly not a fair trade, and clearly too easy a solution," McCarthy said. "If Republicans will only come to the table with those gifts, I would not give any."

During her talk, McCarthy implored journalists to cover climate change on beats that are outside of reporting on the environment, emphasizing that reporters should cover its local effects. She also said EPA itself struggled to explain the phenomenon when she was in charge.

She said "a pet peeve" of hers is to show climate change with pictures of polar bears and falling glaciers.

"Polar bears aren't cute if you're close up," McCarthy said. "For crying out loud, put a face of a kid who is struggling with asthma, because air pollution is horrible, and we can't seem to get rid of the coal facilities that are so yesterday."

McCarthy also said climate change is having an impact on agriculture, and there needs to be a move to locally grown as well as more plant-based food. She, however, questioned the utility of popular veggie burgers, noting that they're heavily processed and high in salt.

"When you look at the Impossible Burger and when you look at the Beyond Burger, these are all lovely things, but I don't think they add value when you stick them in the middle of a bun and put stuff on them," McCarthy said. "There is just no evidence of what the nutritional value is."

McCarthy concluded her remarks with her "three facts" about climate change.

"Climate change is real; man-made emissions have caused it, which is why women need to rule the world," she said.

Message

From: Molina, Michael [molina.michael@epa.gov]
Sent: 2/1/2019 6:01:06 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
Subject: Fwd: Redwood City talking points and background
Attachments: Redwood City Talking Points.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Fotouhi, David" <Fotouhi.David@epa.gov>
Date: February 1, 2019 at 11:40:27 AM EST
To: "Lyons, Troy" <lyons.troy@epa.gov>
Cc: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Palich, Christian" <palich.christian@epa.gov>, "Molina, Michael" <molina.michael@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>, "Humphreys, Hayly" <humphreys.hayly@epa.gov>, "Eby, Natasha" <eby.natasha@epa.gov>
Subject: RE: Redwood City talking points and background

Troy:

Does the Administrator need anything else besides the talking points we sent down earlier this week re: Redwood City for his call with Rep. Speier today? Thanks.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Fotouhi, David
Sent: Wednesday, January 30, 2019 9:38 AM
To: Ryan Jackson (<jackson.ryan@epa.gov> <jackson.ryan@epa.gov>); Lyons, Troy <lyons.troy@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: Redwood City talking points and background

DELIBERATIVE—DO NOT RELEASE

Attached is a set of talking points on the Redwood City jurisdictional determination, as well as some background points and a few Q&As. This document is a revised and streamlined version of the document we prepared for the Administrator's hearing prep. Let me know if this fits the bill or if you need anything else.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Message

From: Sullivan, Melissa [sullivan.melissa@epa.gov]
Sent: 8/15/2019 8:34:01 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips 08/15/19

Daily News Clips
August 15, 2019

Administration

<https://www.eenews.net/climatewire/stories/1060944693/search?keyword=EPA>

<https://www.eenews.net/energywire/stories/1060945187/search?keyword=EPA>

Air

<https://www.npr.org/sections/health-shots/2019/08/13/750581235/air-pollution-may-be-as-harmful-to-your-lungs-as-smoking-cigarettes-study-finds>

Chemicals

<https://www.agri-pulse.com/articles/12514-new-hemp-farmers-need-a-plan-a-purchaser-and-patience>

<https://www.latimes.com/business/story/2019-08-14/california-bans-pesticide-defying-trump-epa>

<https://subscriber.politicopro.com/article/2019/08/environmental-groups-argue-epas-dicamba-approval-was-unlawful-1661258>

<https://news.bloombergenvironment.com/environment-and-energy/epas-dicamba-registration-poses-dangers-lawsuit-says>

<https://www.eenews.net/greenwire/stories/1060961409/search?keyword=EPA>

<https://news.bloombergenvironment.com/environment-and-energy/house-democrats-pressure-epa-over-use-of-chlorpyrifos>

Coal Ash

<https://www.pbs.org/newshour/show/the-danger-of-coal-ash-the-toxic-dust-the-fossil-fuel-leaves-behind>

<https://www.eenews.net/greenwire/stories/1060951031/search?keyword=EPA>

Energy

<https://www.wsj.com/articles/ethanol-hits-five-year-low-as-stocks-rise-11565796465?mod=searchresults&page=1&pos=1>

<https://subscriber.politicopro.com/article/2019/08/greens-sue-epa-over-power-plant-rule-3721410>

<https://www.agweb.com/article/small-refinery-waivers-epa-breaking-law>

<https://www.eenews.net/energywire/stories/1060954759/search?keyword=EPA>

<https://www.eenews.net/climatewire/stories/1060952903/search?keyword=EPA>

Newark

<https://www.pbs.org/newshour/nation/n-j-officials-say-epa-is-helping-to-test-for-lead-in-newarks-water>

<https://www.eenews.net/greenwire/stories/1060961393/search?keyword=EPA>

<https://www.cbsnews.com/news/lead-water-supply-drinking-newark-new-jersey-warning-today-2019-08-12/>

Water

<https://subscriber.politicopro.com/article/2019/08/epa-plan-to-curb-state-water-vetoes-wades-into-dam-battle-1660726>

https://www.washingtonpost.com/national/nj-officials-were-working-with-epa-to-test-lead-in-water/2019/08/14/9df29c2c-beca-11e9-a8b0-7ed8a0d5dc5d_story.html

<https://www.eenews.net/greenwire/stories/1060950593/search?keyword=EPA>

<https://news.bloombergenvironment.com/environment-and-energy/texas-oklahoma-seek-feds-ok-on-regulating-fracking-wastewater-52>

<https://news.bloombergenvironment.com/environment-and-energy/texas-oklahoma-want-more-say-in-handling-fracking-wastewater>

Administration

ClimateWire

"Trump Visit Draws Attention to Plastic's Role in Warming"

<https://www.eenews.net/climatewire/stories/1060944693/search?keyword=EPA>

Scott Waldman

President Trump's visit to a Royal Dutch Shell PLC ethane cracker plant yesterday placed him at the center of a facility that demonstrates how the plastics industry is contributing to climate change.

The still-under-construction \$6 billion Pennsylvania Petrochemicals Complex, located about 30 miles north of Pittsburgh, will take a component of fracked natural gas and convert it into a precursor for plastics. That plastic will be used in a variety of products, including milk jugs, food containers and canoes.

It's part of a push by the natural gas industry to diversify its production as demand for gas drops in the United States and abroad, in part because of a rising supply of renewable energy. In the last decade, the industry has invested more than \$200 billion in U.S. ethane cracker plants, according to the American Chemistry Council. The Beaver County facility visited by Trump has received about \$1.6 billion in state tax breaks and will provide more than 500 full-time jobs once it opens.

"This would've never happened without me," Trump told workers who are building the facility. The plant was approved in the final months of the Obama administration.

During his 67-minute speech, Trump frequently strayed from his planned remarks to give campaign-style commentary. He said that Democrats want to shut down the region's fracking industry, and he told the crowd of laborers and steelworkers that their big "beautiful" hands were not suited to computer manufacturing. He added that nobody watches the Academy Awards anymore and that he has loved big trucks since he was 4 years old.

He also laced the speech with his own brand of populism by calling out Royal Dutch Shell Chairman Charles Holliday and imploring him to move company headquarters to the United States. "I don't know where the hell he comes from," Trump said of Holliday as the crowd cheered.

The visit came as the Trump campaign is turning concerns about plastic waste into a political issue. As Democrats and environmentalists have pushed for bans on plastic straws in some cities, the Trump campaign started selling a 10-pack of Trump-branded straws for \$15 because "liberal paper straws don't work." The trip also came as EPA Administrator Andrew Wheeler has highlighted the global problem of ocean pollution, consisting largely of plastic debris.

The cracker plant, which will produce significant amounts of air pollution, is in a region with the eighth worst air quality in the country, according to the American Lung Association. Allegheny County, which is adjacent to Beaver County, is in the top 2% nationally for cancer risks.

The plant symbolizes the natural gas industry's effort to address growing financial threats from energy efficiency measures and renewable energy generation, said Judith Enck, a former EPA Region 2 administrator and founder of Beyond Plastics, a project that advocates for reduced plastic pollution. Enck said the facility will be used to help

manufacture single-use plastics, such as soda and water bottles. And it could help supply precursors to markets overseas that produce some of the plastic found in ocean garbage patches, she said.

"The fossil fuel industry is panicking that they are losing business as the nation shifts toward energy efficiency and renewable energy, and they are looking for a substitute," Enck said. "What's the new product line that we can replace fossil fuels with, and they've settled on plastic production and in particular massive investments with eye-popping public subsidies to build ethylene cracker plants."

This year, the plastics industry will produce enough carbon emissions to rival almost 200 coal-fired power plants, according to the Center for International Environmental Law. The plant is part of a larger build-out in the Ohio River Valley, which would collectively add about 21 millions tons of carbon dioxide to the atmosphere every year, the center says.

"As we're marching toward closing more and more coal plants, when you invest in plastic production, you will see actually more greenhouse gas emissions," Enck said. "You can't solve the climate change problem without addressing the plastic pollution problem."

Wheeler, who appeared alongside Trump at the facility, has pushed for more countries to address plastic ocean pollution. He blamed China for most of the plastics floating on the open seas, though his own agency has said that the type of plastic that will be produced at the Shell facility is found in the oceans.

"This facility will use American natural gas, which is obtained in the most environmentally conscious way, to produce American-made plastics, instead of relying on imports from China and others, which has a far greater impact on the environment," Wheeler said in a statement.

Trump blamed plastic ocean pollution on China and other Asian countries.

"It's not our plastic. It's plastics that's floating over in the ocean and the various oceans from other places," he told reporters yesterday before the speech. "No, plastics are fine, but you have to know what to do with them. But other countries are not taking care of their plastic use, and they haven't for a long time."

EnergyWire

"Trump Speaks on Wind Power, Wheeler and DOE's 'big project'"

<https://www.eenews.net/energywire/stories/1060945187/search?keyword=EPA>

Kelsey Brugger

President Trump bashed wind energy, said the Department of Energy would be announcing a "big project" and called on EPA Administrator Andrew Wheeler to approve pipelines during a wide-ranging speech yesterday at a \$6 billion petrochemical plant in Pennsylvania.

Speaking to energy workers at Royal Dutch Shell PLC's Pennsylvania Petrochemicals Complex, Trump said that "the hearts of our workers, the American spirit is soaring — higher, stronger, freer and greater than ever before."

He further declared that the Obama administration "tried to shut down Pennsylvania coal and Pennsylvania fracking," adding that the United States is the No. 1 producer of energy "by far" — a status that has been the case since the Obama era. As he has in the past, he attacked the Paris climate accord, criticized "windmills" and expressed sadness for dead birds — a day after his administration weakened protections for threatened species under the Endangered Species Act.

Trump added after the event that Energy Secretary Rick Perry — who was in attendance — would be announcing the "big project" next week but did not provide details.

On Wheeler, Trump said the EPA chief should approve pipelines in Texas — an authority reserved for the Federal Energy Regulatory Commission.

"But if we get those approved, Andrew — I hope Andrew is listening — EPA. Andrew, you know what I'm saying, right?" Trump said.

Trump received credit at the event from U.S.-based Shell executives for his energy policies.

"We couldn't do this without the president's focus on energy infrastructure," said Shell Oil Co. President Gretchen Watkins. "We are very grateful for the president's help."

But the Shell plant, located along the Ohio River about 40 minutes from Pittsburgh, was first announced at the tail end of the Obama administration. And Trump's trade quotas on Brazilian steel threatened to thwart the project until the administration granted an exemption in April 2018 following pleas from the oil company. Royal Dutch Shell Chairman Charles Holliday, who also attended, was called on by Trump at one point to move the U.K.-based company to the United States.

Pennsylvania is a crucial swing state with 20 electoral votes. Trump won the state by less than 1 percentage point in 2016, becoming the first Republican to do so since 1988.

Yesterday, Trump said it was his 13th trip to the state — more than any other president had made at this point in his term.

"I really love Pennsylvania," he said. "I went to school in Pennsylvania. So we love this state, and I love the unions."

Polling conducted in the spring shows him about 10 points behind 2020 Democratic contender Joe Biden, the former vice president. Meanwhile, protesters outside argued yesterday that the plant will cause air pollution like in the existing petrochemical hub along the Mississippi River.

Trump offered some insight into how he plans to appeal to the Rust Belt workers who helped him win in 2016 — hold off on talking about the Green New Deal until closer to the election.

"I want to encourage them," he said of the presidential Democratic candidates. "I don't want to do it too early."

Trump concluded his speech with a poetic verse about what he said was a return to America's manufacturing heyday.

"Factory floors across the land are once more crackling with life; our steel mills are fired up and blazing bright. The assembly lines are roaring. Industry is booming," he said.

The White House said the speech was intended to show the administration's "support for America's expanding domestic manufacturing and energy production." A spokesman did not respond to a question about whether the trip was a campaign event.

The Pennsylvania plant will use fracked gas to make a feedstock for plastics and is one of five such plants proposed for the economically struggling Ohio Valley.

The petrochemical industry applauded the president's visit to the region.

"This is an economic and engineering marvel, and it's one of the many signs that the Rust Belt is being revitalized because of energy," Christopher Guith, acting director of the U.S. Chamber of Commerce's Global Energy Institute, said in an interview after the speech. "And it's perfectly appropriate to draw attention to that."

Guith said there's already a clear distinction between Trump and the pool of Democratic challengers. "When a ban on fracking is becoming commonplace — that doesn't play very well in this part of the economy," he said.

Air

NPR

"Air Pollution May Be As Harmful To Your Lungs As Smoking Cigarettes, Study Finds"

<https://www.npr.org/sections/health-shots/2019/08/13/750581235/air-pollution-may-be-as-harmful-to-your-lungs-as-smoking-cigarettes-study-finds>

Allison Aubrey

Emphysema is considered a smoker's disease. But it turns out, exposure to air pollution may lead to the same changes in the lung that give rise to emphysema.

A new study published Tuesday in JAMA finds that long-term exposure to slightly elevated levels of air pollution can be linked to accelerated development of lung damage, even among people who have never smoked.

The study looked at the health effects of breathing in various pollutants, including ground-level ozone, the main component of smog.

The researchers found that people in the study who were exposed for years to higher-than-average concentrations of ground-level ozone developed changes to their lungs similar to those seen in smokers.

"We found that an increase of about three parts per billion [of ground-level ozone] outside your home was equivalent to smoking a pack of cigarettes a day for 29 years," says one study author, Joel Kaufman, a physician and epidemiologist at the University of Washington.

The study involved nearly 7,000 adults living in six U.S. cities: Chicago, Los Angeles, Baltimore, St. Paul, Minn., New York City and Winston-Salem, N.C. Generally, people in the study were exposed to annual average concentrations of between 10 and 25 parts per billion of ground-level ozone outside their homes.

But there's no reason to believe that the pockets of elevated ozone exposure are limited to those cities. Kaufman says people in communities all over the U.S. can be exposed to similar concentrations — which can vary from day to day, season to season and year to year. Typically, ground level ozone — or smog — forms when pollution that's released from cars' tailpipes and from smokestacks bakes in the sunlight. (The EPA has this simple explainer.) Ozone is typically highest on hot, sunny days.

"It was a very large surprise to us to see that the effects were in the same magnitude as cigarette smoking, which is the best-established and most-recognized cause of emphysema," Kaufman says.

In order to evaluate the changes to the participants' lungs, each person had up to five CT scans over more than a decade. These scans give a 3D picture of the lungs and can detect changes that precede the development of symptoms. During the same time period, the researchers measured levels of pollution, including ozone, in the participants' communities.

"When airways get narrowed and damaged, it's harder to move air out of the lungs and air gets trapped," explains Emily Brigham, a pulmonologist and assistant professor of medicine at Johns Hopkins University. She was not involved in this study, but she also researches how environmental exposures can influence lung health.

At the very early stages of respiratory disease, people may not notice much. But over time, these changes lead to emphysema symptoms, including breathlessness. "It does tend to get worse over time if you continue the exposures," says Brigham. And the changes are generally believed to be irreversible.

Chronic respiratory disease (which includes chronic obstructive pulmonary disease and emphysema) is a leading cause of death in the U.S.. The World Health Organization estimates that each year 7 million premature deaths around the world are linked to air pollution.

These new findings help to answer a very important question about COPD, Brigham says.

"We know ... that a significant proportion of the U.S. population who has COPD actually, are never smokers," Brigham says. So, what's causing their lung disease? "I think this [study] gives us a partial answer."

Overall, most types of air pollution have been declining in the U.S. — in part, thanks to the policies put in place by the Clean Air Act.

But ground level ozone — or smog — has been harder to control. One explanation is that with increasing numbers of hot days, the conditions are more favorable to the formation of ozone.

"And so as climate change progresses, we expect that vulnerable populations and — even healthy populations — are going to see increased effects," Brigham says.

In the past, the larger concern about ozone was the short-term exacerbation of symptoms during smog-alert days for people living with chronic lung disease such as asthma or COPD. The effects of long-term, chronic exposures were not well understood.

"In the past, the EPA has not accepted that COPD is caused by long-term, chronic air pollution," says George Thurston, a professor of environmental medicine at NYU Langone Health.

But, now, this study adds to the evidence that the benefits of cleaning the air are even larger than previously calculated because the findings suggest that long-term exposure to air pollution is damaging to lung health.

Thurston says if these long-term cumulative effects were to be included in policymakers' cost-benefit calculations, "the benefits will even more so outweigh the cost of moving forward on cleaning the air."

Chemicals

Agri-Pulse

"New Hemp Farmers Need a Plan, a Purchaser, and Patience"

<https://www.agri-pulse.com/articles/12514-new-hemp-farmers-need-a-plan-a-purchaser-and-patience>

Jonathan H. Harsch

Farmers should join the enthusiasm about industrial hemp's huge potential, ranging from medicinal uses to bioplastics, chemicals, fuels, paper and bioremediation – but proceed with caution.

That was the message prospective hemp producers heard this week at the National Industrial Hemp Council Hemp Business Summit in Portland, Ore.

Greg Ibach, USDA's undersecretary for marketing and regulatory programs, told attendees he's "astounded by the number of uses for the fiber" from hemp, but work remains to have the crop be a commonplace commodity option for producers.

After language to legalize hemp cultivation was included in the 2018 farm bill, Ibach has worked with USDA, FDA, EPA, Treasury, USTR, Commerce and Justice Department agencies on writing rules and regulations needed for full implementation. He expects the new regulatory framework to be "in place this fall" to address issues including lab

testing requirements, farm inspections, and the “destruction process” for any hemp crop that tests above the 0.3 percent THC limit.

To help farmers manage their risks with growing hemp, Ibach said USDA is focused on writing regulations that provide growers with a full range of USDA support including crop insurance and funding from USDA’s rural development programs. He also stressed that the new regulations are being published as an interim final rule to provide USDA the flexibility to work with farmers and processors on making any needed changes.

American Farm Bureau Federation lobbyist Scott Bennett congratulated the gung-ho attendees at the sold-out meeting for their interest in accelerating hemp production, processing and market development. But he said it’s also time to “pump the brakes.”

“This hemp industry has a lot of potential in the United States as an alternative for some farmers and a future for some new and emerging farmers,” he said in an interview with Agri-Pulse. But he warned that “you’re not going to become rich overnight growing hemp.”

Ibach said USDA has also identified marketing and processing issues as potential hurdles for the hemp industry, and “farmers need to be wise about looking for a contract to grow their hemp with and be careful about how they invest their money.”

A number of factors on all levels could play into a hemp producer’s success, including the language USDA is set to release in an interim final rule Bennett expects to see in the next month or so. As for individual producers, he said farmers should have a contract in line to purchase their hemp before putting a single seed in the ground and see where processing will take place.

“That will determine where growing hemp will be profitable,” he said. Farm Bureau Economist Michael Nepveux similarly sees great potential for hemp. But he added his own cautions about serious challenges. He warned about the need to boost the farm labor supply, provide a full range of risk management tools, and develop new markets to avoid creating “a huge oversupply of hemp in the U.S.”

Vote Hemp President Eric Steenstra, a veteran hemp advocate, called for national standards to replace the hurdles posed by the patchwork of different state regulations on hemp.

Steenstra sees an urgent need for the data collection that Vote Hemp has done “because no one else was doing it.” He says hemp plantings remain unknown, but Vote Hemp has gone to every state Department of Agriculture for figures on licensing.

The results show a crop growing in popularity, but still a sliver of America’s overall crop production. In 2018, 112,000 acres were licensed for hemp production. In 2019, the number shot up to 480,000 acres, with Colorado and Oregon leading the way with 80,000 and 60,000 acres, respectively. Not all licensed acres are expected to be planted, Steenstra noted.

While sowing four times the acreage year-over-year represents a significant jump, it still would account for only 9% of the nation’s projected 2019 acres for sorghum, the nation’s fifth-largest crop. It would be an even more minuscule half a percent of the nation’s projected corn plantings.

“We just want to see people start small” and recognize that “there’s a learning curve” for practices that include seed selection, pest management and crop rotations, Steenstra said. “I do think there are going to be a lot of farmers this year that are trying it for the first time that may not have success because they jumped into it a little too quickly.”

Food and Drug Administration Principal Associate Commissioner for Policy, Food and Drug Administration Lowell Schiller told the summit that hemp-derived cannabidiol (CBD) offers “significant public health benefits” and has sparked “an enormous amount of agricultural interest.” But he also noted that approving CBD and other uses poses potential public health risks. He said that in weighing risks and benefits, FDA is moving as rapidly as possible but needs to be cautious because there’s “too much we still don’t know about CBD” such as cumulative exposure risks and long-term effects.

Schiller called on the hemp industry itself to help provide the data needed to write rules for CBD and other hemp products. He also said that once FDA compiles the needed data, it may ask Congress for new authority to accelerate the rule-making process.

In his comments at the summit Tuesday Sen. Jeff Merkley, D-Ore., focused on another issue –financing. He called on the industry to support his new push for a legislative fix, as proposed in his proposed Secure and Fair Enforcement (SAFE) Banking Act. He said it's past time for removing banking and other hurdles facing hemp, to spur development of "a new frontier in agriculture."

Other speakers focused on a common theme: the more than half-century ban on growing hemp has created a shortage of the ingredients needed for rapidly turning hemp into a major U.S. crop.

National Industrial Hemp Council Board Chair Patrick Atagi sees the NIHC addressing the shortage by creating a new source of information, education, alliances and partnerships. He told Agri-Pulse the fact that this week's hemp summit was sold out "validated that we're on the right course, we're providing the right information."

With the farm sector under pressure and farmers going out of business, Atagi said "there's a desperation out there" driving interest in hemp "where you need caution too." He says the NIHC offers one answer: "the education we're providing here today."

He explained some failures with hemp have been due to "planting the wrong variety of seed in the wrong place" – a costly mistake for hemp which requires different seeds for different end products, different microclimates, different spacing and even for slight differences in elevation or planting times.

What's most important, Atagi explains, is a long-term, market-oriented approach to advancing the hemp industry. "For the viability of hemp, we really need to be thinking of the long term."

Los Angeles Times

"Trump Defended a Pesticide Linked to Developmental Disorders. California Will Ban it"

<https://www.latimes.com/business/story/2019-08-14/california-bans-pesticide-defying-trump-epa>

Geoffrey Mohan

California regulators on Wednesday took formal legal steps to ban a widely used pesticide that had been rescued from elimination by the Trump administration.

The move by the state Environmental Protection Agency is all but certain to draw legal challenges from Corteva Agriscience (formerly Dow AgroSciences), which has pushed back at attempts by environmentalists to ban the chemical, chlorpyrifos, on a federal level.

The state is the largest user of chlorpyrifos — more than 900,000 pounds of it was applied in 2017 to almonds, grapes, citrus, alfalfa, stone fruit, cotton and other crops, according to state data.

Exposure to the organophosphate nerve agent has been linked to developmental disorders and neurological damage in animals and humans.

The ban is the first time the state has unilaterally barred an actively used pesticide, and will take effect in 15 days unless opposing parties request an administrative hearing.

The federal EPA is unlikely to challenge California, which often goes its own way on environmental matters, including auto emissions and climate regulation. An official from the federal agency said states are free to enact their own pesticide regulations so long as they are at least as strict as federal rules.

State EPA chief Jared Blumenfeld said California opted for an outright ban because it could find no way to tighten rules enough to ensure public safety without making applications of the chemical ineffective. In May, the agency announced it

would revoke all chlorpyrifos product registrations, leading to Wednesday's formal cancellation notices sent to 13 manufacturers and pest-management companies.

Blumenfeld called on his federal counterpart to refocus attention on the chemical's hazards.

"They have that same science; they have that same legal basis, and yet, based on what appears from the outside to just be politics, they've been foot-dragging — and in fact worse than that, not taking their regulatory role seriously," Blumenfeld said. "We have to step into the void and take action where the federal government has failed to do so."

The state has been gradually tightening its restrictions on use of the chemical, so "farmers knew this was coming," Blumenfeld said. "The handwriting has been on the wall for some time."

Although growers have cut their use of the chemical by about half over the past decade, they have been uneasy about the state's earlier signals that a ban was coming.

The citrus industry uses chlorpyrifos to combat the Asian citrus psyllid, which can spread a disease that can decimate entire groves. The pesticide also is critical to controlling leaffooted bugs and stink bugs in almond groves.

"California farmers are resilient, but the long-term viability of our farms in California depends on proper support from the administration and renewed cooperation of the state's regulatory agencies, especially in light of the many other unique and expensive regulations that place California farmers at a growing competitive disadvantage," Tom Nassif, president and chief executive of Western Growers, a regional industry group, said in May.

Val Dolcini, acting director of the state EPA's Department of Pesticide Regulation, said he was "quite confident" that a newly formed working group, including academic, agricultural, regulatory and environmental experts, would identify an array of alternatives to the chemical. The state has allocated about \$5 million in grants toward that end, he said.

Chlorpyrifos has become something of a poster child for the Trump administration's rollback of regulation, which has occurred at times in defiance of scientific findings about health and environmental harm.

Former EPA administrator Scott Pruitt halted an Obama-era ban that had been hastened by a court order, and his successor, Andrew Wheeler, has since extended the safety review of the pesticide through 2022. California, six other states and a host of environmental and labor groups have sued over those moves.

A federal EPA spokesman said on Wednesday that the agency has responded to complaints about its decisions by expediting the review process — it now expects to make an interim decision by October 2020, followed by a public review process.

Politico Pro

"Environmental Groups Argue EPA's Dicamba Approval was Unlawful"

<https://subscriber.politicopro.com/article/2019/08/environmental-groups-argue-epas-dicamba-approval-was-unlawful-1661258>

Arren Kimbel-Sannit

A number of environmental and advocacy groups filed an opening brief in federal appeals court Tuesday in a suit challenging EPA's continued approval of XtendiMax, a brand name for the herbicide dicamba.

The National Family Farm Coalition, Center for Food Safety, Center for Biological Diversity and Pesticide Action Network North America contend EPA ignored statute, scientific evidence and complaints from agricultural producers over the herbicide's volatility and tendency to drift, resulting in damage to millions of acres of crops not genetically engineered to be resistant to the chemical.

EPA first approved the herbicide in 2016 and did so a second time in 2018. The groups sued in 2017, but EPA reapproved the chemical before the case could conclude. They went back to court in January. The brief filed with the 9th Circuit U.S. Court of Appeals on Tuesday marked the groups' first significant step to get the court to review the agency's 2018 approval.

"Despite overwhelming evidence of unacceptable dicamba drift damage, and despite EPA's own assurance that it would not continue the registration beyond November 2018 in such instance, on October 31, 2018, EPA nonetheless continued the new use registration," the brief argues.

Monsanto, the original manufacturer of XtendiMax and a defendant in the suit, released its dicamba formulation three years ago, along with a soybean that was genetically modified to withstand the herbicide, allowing farmers to apply the weedkiller later in the growing season. German chemicals giant Bayer now controls the herbicide and the soybean variety after acquiring Monsanto last year.

Both EPA approvals came amid complaints from farmers, scientists, environmental activists and non-agricultural land owners about the tendency of dicamba to drift onto neighboring properties. EPA, in its 2018 approval, acknowledged some of those concerns by restricting when and how often dicamba could be applied and by mandating the creation of a 57-foot buffer zone when the herbicide was sprayed in areas containing endangered species.

But the groups charged in their brief that those limits were based on recommendations from Monsanto that were not supported by sufficient scientific evidence, and that drift-related damage to nonresistant crops and endangered animals has continued into 2019 — especially in the Midwest, where dicamba is widely used.

"The EPA's foolish approval of dicamba left a deep scar across millions of acres of farms and forests," said Nathan Donley, a senior scientist at the Center for Biological Diversity, in a statement.

Bayer said after EPA's 2018 approval that it would institute a training regimen to ensure compliance with the new regulations for application of the herbicide. But the lawsuit contends the problems with dicamba are inherent to the chemical, and not rooted in the experience level of those who apply it.

A Bayer spokesperson defended EPA's decision in a statement to POLITICO and pledged that the company "will once again support EPA in vigorously defending its scientific review and conclusions."

"The EPA conducted an extensive review and considered all relevant science prior to issuing the current registration for XtendiMax with VaporGrip Technology in November 2018," the spokesperson added. "The EPA's informed decision, with an enhanced label and record, reaffirms that this tool is vital for growers and can continue to be used safely according to label directions."

An EPA spokesperson did not respond to multiple inquiries from POLITICO.

Bloomberg Environment

"EPA's Dicamba Registration Poses Dangers, Lawsuit Says"

<https://news.bloombergenvironment.com/environment-and-energy/epas-dicamba-registration-poses-dangers-lawsuit-says>

Adam Allington

The EPA's decision to re-register a common pesticide ignores mainstream science, puts millions of acres of crops at risk, and threatens hundreds of endangered species, a coalition of farmers and environmental groups said in a lawsuit.

The groups are asking the U.S. Court of Appeals for the Ninth Circuit to review an Oct. 31, 2018, decision by the Environmental Protection Agency to continue new-use registrations of dicamba-based pesticides on dicamba-resistant cotton and soybeans.

They say that the Trump administration violated the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) by authorizing the registrations “without prerequisite findings and required data, and without supporting its decision with substantial evidence,” according to their Aug. 13 opening brief.

The groups are the National Family Farm Coalition, Center for Food Safety, Center for Biological Diversity, and Pesticide Action Network North America.

The groups also claim that the EPA violated the Endangered Species Act by failing to “consult the expert wildlife agencies in connection with its XtendiMax [a dicamba brand] registration,” according to the brief.

The petitioners are asking the court to set aside the EPA’s approval of dicamba. The EPA’s answer is due Oct. 15.

‘Whatever Monsanto Has Demanded’

“The evidence reveals that government officials—rather than protecting farmers and the public interest—have done whatever Monsanto has demanded to keep this pesticide on the market, forgoing the rigorous analysis and data that the law requires,” said George Kimbrell, legal director of the Center for Food Safety and counsel in the case.

“It is no wonder dicamba has had such devastating consequences: its approval was illegal,” he said.

Crops bio-engineered with dicamba-tolerant traits can then be sprayed without being damaged.

Over the past several years, dicamba has caused thousands of complaints in more than a dozen states from farmers and homeowners whose crops have been damaged from dicamba drifting into their property.

Inadequate Protections

The groups acknowledge that EPA did update the labels with some new small-scale mitigation practices, including an enhanced label to improve user awareness on its potential volatility, as well as downwind buffer zones of 110 feet.

The groups say that buffer zones around entire fields would offer better protection.

Bayer counters that the EPA conducted an extensive review of dicamba, including all relevant science, before issuing the registration for “XtendiMax with VaporGrip Technology”—Bayer’s dicamba-based product.

“The EPA’s informed decision, with an enhanced label and record, reaffirms that this tool is vital for growers and can continue to be used safely according to label directions,” the company said in a statement. “We will once again support EPA in vigorously defending its scientific review and conclusions.”

In the past, Monsanto has said that VaporGrip reduces relative dicamba volatility by 90% over a different version.

Corteva Agriscience, formerly DowDuPont, makes a similar dicamba product called FeXapan.

Concerns About ‘Volatility’

Partly in response to the drift issue, the Environmental Protection Agency in October 2018 extended the registration for dicamba for a provisional two-year time period, until Dec. 20, 2020, instead of the typical pesticide registration period of 15 years.

According to independent academic researchers studying pesticide drift, the first two seasons' worth of dicamba sprayed on soybeans and cotton vaporized and drifted, facts that the suing groups claim EPA is ignoring.

"EPA did not adequately take into account these studies for volatility and relied instead on Monsanto's "humidome" studies," said Nathan Donley, a senior scientist at the Center for Biological Diversity.

Donley told Bloomberg Environment that because previous lawsuits were dismissed before they could be adjudicated, the Ninth Circuit has agreed to hear this new case on an expedited schedule.

"EPA is scheduled to take up dicamba's re-registration in another year and a half," Donley said. "The court is aware of that and hopefully a decision will be reached before EPA has a chance to mess with the label again."

The case is Nat'l Family Farm Coal. v. EPA, 9th Cir., No. 19-70115, brief filed 8/13/19.

GreenWire

"House Dems Press EPA on Pesticide Ban"

<https://www.eenews.net/greenwire/stories/1060961409/search?keyword=EPA>

Ariana Figueroa

Lawmakers involved in environmental justice work pressed EPA on its decision to not ban a pesticide linked to developmental problems in children.

"We are particularly concerned about the disproportionate effect chlorpyrifos has on rural Hispanic communities," Rep. Nydia Velázquez (D-N.Y.), along with 46 Democratic representatives, wrote in a letter on Tuesday to EPA Administrator Andrew Wheeler.

Farmworkers are predominantly exposed to chlorpyrifos, and according to Department of Agriculture data, more than 60% of farm laborers in the United States are Latino.

"As a result, Latino children incur disproportionate exposures to pesticides contributing to health disparities and increasing childhood asthma, cancer, and developmental disabilities," the lawmakers said.

Chlorpyrifos is used on more than 80 types of crops, such as strawberries, apples, corn and citrus.

The letter asked Wheeler to respond to several questions within 30 days, including a justification for the agency's decision to not ban the pesticide despite EPA research that has identified it as a neurotoxin that is unsafe for children.

The Centers for Disease Control and Prevention's research has found that exposure in children and pregnant women can lower IQs and cause neurological issues.

EPA's decision to not ban chlorpyrifos stems from a case last year in the 9th U.S. Circuit Court of Appeals in which environmental groups and states challenged the Trump administration's initial decision to scrap Obama-era plans to ban the pesticide.

The court ordered EPA to reconsider and respond to comments filed by environmentalists, farmworker groups and health activists (Greenwire, March 26). EPA conducted a broader review process and again decided against a ban (Greenwire, July 18).

Environmental justice organizations and farmworker advocates have filed their own legal challenge against EPA (Greenwire, Aug. 7).

Democratic attorneys general from California, Hawaii, Maryland, Massachusetts, Vermont, Washington state and Washington, D.C., have also followed with their own suit against the agency (Greenwire, Aug. 8)

EPA said the agency does not comment on pending litigation.

Democratic senators have also pressed the agency to ban chlorpyrifos, arguing that the pesticide is a public health concern and puts farmworkers in danger.

"It simply makes no sense from a public health or legal perspective for EPA to continue to resist taking action that would protect childrens' brains," wrote lawmakers, led by Sen. Tom Udall (D-N.M.).

EPA banned the pesticide for residential use almost 20 years ago but stopped short of a ban for agriculture uses.

"It is profoundly worrisome that after decades of study and analysis showing the pesticide's harm to humans, especially children, the EPA decided not to ban the pesticide in all uses; instead siding with big chemical corporations over the American people, including farm workers," the representatives said.

Bloomberg Environment

"House Democrats Pressure EPA Over Use of Chlorpyrifos"

<https://news.bloombergenvironment.com/environment-and-energy/house-democrats-pressure-epa-over-use-of-chlorpyrifos>

Adam Allington

Forty-seven House Democrats are asking the EPA to explain why it continues to support the use of the pesticide chlorpyrifos.

The letter, dated Aug. 13 and led by Rep. Nydia Velazquez (D-N.Y.), asks the Environmental Protection Agency to give its rationale for allowing the continued use of chlorpyrifos, which has been linked to brain development problems in children. Chlorpyrifos is a common insecticide used on a variety of crops, including almonds, citrus, grapes, alfalfa, stone fruit, and other crops.

"It is profoundly worrisome that after decades of study and analysis showing the pesticide's harm to humans, especially children, the EPA decided not to ban the pesticide in all uses; instead siding with big chemical corporations over the American people, including farm workers," the letter said. Among several other requests, the House letter asks the agency to respond within 30 days of receipt explaining any new evidence that would contradict the EPA's own 2015 findings that found the chemical endangers public health.

The move by House Democrats reflects a similar push to ban chlorpyrifos in the Senate, where Democrats have argued that farmworkers living in rural Latino communities often face a disproportionate risk of exposure.

Ban Reversed

The EPA said it would respond to the letter "via appropriate channels." In 2015, the Obama administration's EPA announced its intent to ban the chemical from all uses. However, the Trump administration reversed that decision in March 2017. The EPA maintained that move last month, permitting continued use of the pesticide.

The agency was responding to an appellate court order to respond to the merits of a lawsuit from a coalition of environmental and farmworker groups.

"EPA has determined that their objections must be denied because the data available are not sufficiently valid, complete or reliable to meet petitioners' burden to present evidence demonstrating that the tolerances are not safe," the agency said in a statement on July 18.

'Critical Tool'

Gregg Schmidt, a spokesman for CortevaAgriscience (formerly DowDuPont Inc.), said his company is working with the EPA to ensure chlorpyrifos can remain "a critical tool" for farmers.

"Chlorpyrifos is one of the most widely studied crop protection products in the world," Schmidt said in a July statement. "Labelled uses of chlorpyrifos rest on five decades of experience in use, health surveillance of manufacturing workers and applicators, and more than 4,000 studies and reports examining the product in terms of health, safety and the environment."

But environmental health advocates point to evidence that exposure to even low levels of chlorpyrifos can lead to developmental and cognitive delays in infants and children.

Several states including California, New York, and Hawaii, have announced plans to phase out or ban all uses of chlorpyrifos within the next two years.

Coal Ash

PBS News Hour

"The Danger of Coal Ash, the Toxic Dust the Fossil Fuel Leaves Behind"

<https://www.pbs.org/newshour/show/the-danger-of-coal-ash-the-toxic-dust-the-fossil-fuel-leaves-behind>

Miles O'Brien

Coal ash is a particularly dangerous byproduct of our dependence on fossil fuels. In communities that have dealt with coal ash spills, the incidents sparked concerns about toxins potentially seeping into water. Utilities have been pushed to adopt tougher safety standards -- but activists say the companies are resisting rules necessary for public health. Science correspondent Miles O'Brien reports.

Amna Nawaz:

Coal ash is an especially bad and dangerous byproduct of our dependence on coal and fossil fuels. Now over the years, a number of communities have dealt with coal ash spills that have turned into emergencies with real public health concerns over what's seeped into the water. In some places, utilities have been pushed to adopt tougher standards.

But as Miles O'Brien reports, some residents and activists say the power companies are fighting changes that could help protect public health. It's part of our regular segment on the "Leading Edge" of science and technology.

Miles O'Brien:

This is the well water?

Laura Tench:

This is the well water.

Miles O'Brien:

This is 2015.

At the kitchen table in her home of 41 years near Charlotte, Laura Tench showed me the official notice that rocked her world in 2015.

The North Carolina Division of Public Health recommends that your well water not be used for drinking and cooking. What's it like when you got a notice like that?

Laura Tench:

Scary. You don't want to turn on the spigot.

Miles O'Brien:

Her well water was more like a witches' brew-- among the frightening ingredients: cancer causers, hexavalent chromium, ten times the state safety threshold, and vanadium, almost 30 times the standard.

She and her family had no choice, forced to rely solely on bottled water for nearly three years.

Laura Tench:

I would not allow my children to take a tub bath. They had to take a quick shower, no luxury.

Miles O'Brien:

They didn't have to look far to find the suspected source of the contamination: the 62-year-old Allen Steam Station coal fired power plant. It sits right next to the neighborhood, and right in the middle of a raging national debate over what to do about the toxic remnants left behind after the coal is burned.

What's leftover is ash, and in addition to hexavalent chromium, it contains arsenic, mercury, thallium, selenium, lead and more.

There are 16 million tons of coal ash here at Allen.

Duke Energy spokesperson Erin Culbert gave me a tour.

What are we seeing here? What's all around us?

Erin Culbert:

Well, really as far as the eye can see in all these directions, we're looking at coal ash.

Miles O'Brien:

The ash Duke Energy creates today is either used to make concrete and wallboard or kept dry and stored in lined landfills. But for decades, Duke and other utilities mixed the ash with water and sent a steady stream of the toxic mix, into deep unlined pits, with no barrier between the ash and the groundwater.

In all, Duke owns 23 coal fired plants in five states, 14 in North Carolina, where they store about 153 million tons of coal ash, 101 million tons of it sitting in 23 unlined pits.

Erin Culbert:

This was certainly decades before the U.S. EPA was in place and before today's regulations that would require those liners. So, most of the ash basins that we operate were constructed at the time when liners weren't required.

Miles O'Brien:

Each year, U.S. utilities generate 100 million tons of coal ash, one of the largest industrial waste streams in the country.

Laura Tench:

It took me a long time to get over the anger of it that Duke knew this and they didn't do anything they were supposed to. They were supposed to be responsible.

Miles O'Brien:

Given the unknowns about cancer and the latency between exposure and symptoms, it is all but impossible to conclusively connect the toxins to a particular illness in one individual. But Laura Tench is surrounded by cancer. She lost her husband Jack to the disease last year, and many of her neighbors have similar stories.

Laura Tench:

They call the street in front of me, "cancer street". John died first and he is gone. My husband died from cancer. Mary Ann (ph) next door died from cancer.

You can't tell me that these people, just because they're past 50, it's normal for them get cancer and die. And there's too many people, they're dying on my little street. They're killing us.

Erin Culbert:

Duke Energy responded with the highest level of caution. We offered to provide bottled water for those folks while we were continuing to do more testing.

Miles O'Brien:

Coal ash and its consequences burst into public consciousness in 2008, when an earthen dam at a power plant in Kingston, Tennessee, collapsed, sending more than a billion gallons of ash-tainted water into a river.

This caught Attorney Frank Holleman's attention.

Frank Holleman:

We're using 21st century technology to take pollutants out of the smoke stack, and then we're using 14th century technology to dispose of the ash and the pollutants we pull out of the smoke stack. It's the most dangerous, and the most primitive way you could store this toxic industrial waste.

Miles O'Brien:

So, Holleman, the Southern Environmental Law Center and local activists began a decade long battle to end the reckless dumping. They started suing utilities to compel them to store the coal ash in a safer manner.

It was a David versus Goliath struggle. Duke Energy, which towers over the Charlotte skyline, is one of the largest electric utilities in the U.S., a monopoly with more than \$24 billion in revenue.

And yet the plaintiffs won, again and again, repeatedly forcing utilities to dispose of coal ash in dry, lined landfills in Virginia and South Carolina, as well as North Carolina.

Frank Holleman:

Ultimately, the Duke Energy operating companies in the state pleaded guilty 18 times to Clean Water Act crimes and remained on criminal probation today.

Miles O'Brien:

In North Carolina, the tide turned fully against unlined coal ash pits in 2014. That's when a broken pipe at a duke energy power plant caused a huge coal ash spill into the Dan River. It prompted the first state law regulating coal ash storage later that year. Virginia and Illinois followed, and so did the Environmental Protection Agency.

But the Trump EPA has loosened the rules and extended the deadlines.

Then in September 2018, high water generated by Hurricane Florence caused a coal ash spill at Sutton Lake near Wilmington, North Carolina. In April, state regulators upped the ante, telling Duke that all the remaining unlined basins must be excavated and moved to dry landfills.

The state has asked you to do it?

Erin Culbert:

They have.

Miles O'Brien:

And you're appealing?

Erin Culbert:

We respectfully disagree with their position. We believe that a one-size-fits-all is the wrong approach.

Miles O'Brien:

Duke agreed to excavate 22 unlined pits and move the ash to dry, lined landfills. But the company is refusing to do the same at nine others, including here at Allen. Instead, the company wants to drain the water and cover the ash with soil and a liner, capped in place.

Erin Culbert:

Some of the common denominators around the sites that we propose capping would involve sites that are not at risk of flooding from the adjacent water body. In all of these circumstances, the water flow is going away from neighbors and would not have the future opportunity to impact their drinking water wells.

Miles O'Brien:

On our tour of Allen, Culbert showed how the company reached that conclusion. To be sure, the coal ash is not migrating, there are 200 ground water monitoring sites around the plant, and routine testing on the river.

But tracing toxins from coal ash is a complex task, as many of them, including hexavalent chromium, occur naturally.

At Duke University, geochemist and coal ash expert Avner Vengosh has developed a test that measures not one chemical, but an array of them, in samples to identify if it comes from coal ash or not. The whole mixture is akin to a chemical fingerprint.

Avner Vengosh:

It's not black and white. We do see evidence for contamination in shallow groundwater, but we have not seen the arrival of those of contaminants into drinking water wells. It could come anytime. It still may be happening in some places,

Miles O'Brien:

Despite the ambiguity, Vengosh says coal ash needs to be treated as hazardous waste.

Avner Vengosh:

We should treat it in the way we actually manage hazardous waste in this country. We put it in a system that is isolated and there are technical solutions to do so. It's only a matter of, first, awareness and then economics.

Miles O'Brien:

The multi layered liners and the excavation of the coal ash are expensive. At the Allen site, Duke Energy estimates it would take in excess of half a billion dollars and two decades to do the job. Capping in place is a lot cheaper and faster, \$185 million, and less than nine years.

Erin Culbert:

If we have to excavate all of these ash basins, that takes a lot of money, billions of dollars away from cleaner investments in renewables and other types of technologies.

Frank Holleman:

We know the solution. It's a shame that people were ever exposed to these risks but it's a shame if we don't stop these risks as soon as we reasonably can.

Miles O'Brien:

Laura Tench and her neighbors are now attached to the municipal water supply. But that does not change their view of Duke Energy's responsibility.

At this point, you want Duke to do the right thing. What is the right thing?

Laura Tench:

They have to have these things lined. We have been told to take care of the environment and we're not doing it. Everyone is responsible not only Duke but we're responsible to make sure that it's being taken care of. We need to stop using coal. It's the bottom line.

Miles O'Brien:

She is practicing what she preaches — installing solar panels on her roof not long after our visit. She looks forward to using clean power, and sending less money to Duke.

GreenWire

"Enviros Press EPA on 'Substantial' impacts in Puerto Rico"

<https://www.eenews.net/greenwire/stories/1060951031/search?keyword=EPA>

Sean Reilly

EPA today opened a two-month public comment period on the latest batch of proposed changes to its landmark 2015 coal ash regulations.

The move comes as environmental groups press EPA to address impacts of coal ash in Puerto Rico.

The proposed rule, signed last month by agency Administrator Andrew Wheeler and already under fire from environmental groups, deals mainly with the use of recycled coal ash as fill. It would also create a single management approach for the temporary storage sites known as "piles" and change groundwater monitoring and corrective action reporting requirements with the stated goal of making them easier to understand (E&E News PM, July 30).

The deadline for written comments is Oct. 15; an Oct. 2 public hearing will be held at EPA headquarters in Washington, according to the Federal Register notice published today.

A coalition of some 50 environmental advocates is seeking at least one other public hearing in Guayama, Puerto Rico. In the island territory, coal ash "disproportionately impacts low-income and minority communities," they wrote in a letter late last week to EPA solid waste chief Peter Wright.

Between roughly 2004 and 2012, more than 2 million tons of waste ash from power producer AES Corp. was used as fill in housing, road and commercial development projects, the letter said. In the Guayama area, located on Puerto Rico's southern coast and home to an AES power plant, "a nine-story coal ash waste pile has caused substantial air and water pollution," the letter added.

The individuals and groups, including Earthjustice, Comité Diálogo Ambiental Inc. and a number of farmers, also want EPA to provide Spanish translations of the proposed rule and supporting documents, saying that much of the "impacted population" in southeastern Puerto Rico speaks and reads only Spanish.

Earthjustice released a copy of the letter last night; EPA is reviewing it, a spokeswoman said in an email today.

Coal ash, the waste produced in huge quantities by coal-fired power plants, is officially classified as nonhazardous but may contain lead, arsenic and other toxins. In March, the Environmental Integrity Project, another group that signed on to the letter, reported that dangerous levels of groundwater contamination were turning up at most of the plants required to publicly disclose monitoring data (Greenwire, March 4).

The draft rule is one of a series of changes EPA has pushed to the 2015 regulations since President Trump took office. Another proposed set is undergoing a standard review at the White House Office of Information and Regulatory Affairs (E&E News PM, Aug. 9).

Energy

The Wall Street Journal

"Ethanol Hits Five-Year Low as Stocks Rise"

Kirk Maltias

<https://www.wsj.com/articles/ethanol-hits-five-year-low-as-stocks-rise-11565796465?mod=searchresults&page=1&pos=1>

Add ethanol to the roster of agricultural commodities piling up in storage across the U.S.

Futures prices for the corn-based fuel are trading at five-year lows after the U.S. Environmental Protection Agency exempted many small refineries from blending gasoline and diesel with ethanol. The Energy Information Administration forecast Wednesday that ethanol stockpiles are at 23.9 million barrels, up 4% from the same time last year and 17% since 2016.

September-dated ethanol futures on the Chicago Board of Trade fell to \$1.27 a gallon on Wednesday, extending a decline of nearly 25% since June. The September contract hasn't traded that low since October 2014.

That makes ethanol the latest farm-product hurt by cross currents of slack demand and trade tension. Less demand for ethanol in domestic fuel comes as ethanol and corn producers are also facing lower demand from customers in China and other countries as trade tensions rise.

"President Trump has destroyed over a billion gallons of biofuel demand and broken his promise to Iowa voters," said Monte Shaw, director of the Iowan Renewable Fuels Association, in a press release.

China will need 15 million metric tons of ethanol annually by 2020 to meet planned regulations for 10% of gasoline used there to come from the biofuel, according to IHS Markit. China only has enough production capacity to meet a fraction of that demand, IHS said.

U.S. producers were expected to fill this demand, but as U.S. and Chinese officials spar over trade terms, other ethanol-producing nations including Brazil appear to be more likely beneficiaries of China's need, IHS said. The same dynamic has boosted Brazil's soybean exports to China over the past year as U.S. exports of that crop to China have plunged.

"The tariff war is muddying the waters," said Sal Gilberte, president and chief executive of Teucrium Trading LLC. Teucrium manages several agricultural exchange-traded funds, including one for corn, which is down 6.7% since the start of the year.

The EPA last week exempted 31 small refineries from mixing ethanol into some 13.4 billion gallons of gasoline and diesel fuel. That is less than was exempted last year, but more than farmers and ethanol traders expected.

"The Trump administration has totally annihilated the margins for ethanol producers," said Charlie Sernatinger head of global grains futures with ED&F Man Capital Markets.

The Agriculture Department on Monday reduced its projections for the amount of corn to be used in ethanol this year by 25 million bushels and increased its expectations for farmers' yields this year by 3.5 bushels to 169.5 bushels of corn an acre. Corn futures have plummeted 9.4% since then.

Green Plains Inc. one of the world's largest ethanol producers, last week reported a \$45 million quarterly loss and estimated that it lost 24 cents on every gallon of ethanol produced in the second period. Last November, the Nebraska-based company closed one plant and sold three others to rival Valero Energy Corp.

Corn giant Archer Daniels Midland Co., another top ethanol maker, is separating its ethanol-producing dry mills into a stand-alone business it could sell or spin off. ADM executives this month said they expect the ethanol business to stay tough through the rest of the year.

Politico Pro

"Greens Sue EPA Over Power Plant Rule"

<https://subscriber.politicopro.com/article/2019/08/greens-sue-epa-over-power-plant-rule-3721410>

Alex Guillen

Ten environmental groups today sued EPA over its Affordable Clean Energy rule for coal-fired power plants.

"Its only purpose is to make fossil fuel CEOs richer, no matter how deadly and dangerous that is for the rest of us," said Clare Lakewood, a senior attorney at the Center for Biological Diversity.

The environmentalists' lawsuit follows a July suit from public health groups and another filed yesterday by almost two dozen blue states.

Along with CBD, the groups suing are Appalachian Mountain Club, Clean Air Council, Clean Wisconsin, Conservation Law Foundation, Environmental Defense Fund, Environmental Law & Policy Center, Minnesota Center for Environmental Advocacy, Natural Resources Defense Council, and the Sierra Club.

Farm Journal Ag Web

"Small Refinery Waivers: Is EPA Breaking The Law?"

<https://www.agweb.com/article/small-refinery-waivers-epa-breaking-law>

Anna-Lisa Laca

For the past two years the Environmental Protection Agency (EPA) has been issuing small refinery hardship waivers, which allow the awarded refiners to forgo blending ethanol with their fuels. Is EPA breaking the law by issuing such waivers? It depends on who you ask.

"It's absolutely outside of the intent of the Renewable Fuel Standard (RFS) and it's outside of the EPA's authority to grant these waivers without redistributing those accepted volumes to non-exempt parties," says Geoff Cooper, CEO of the Renewable Fuels Association.

Most recently the agency granted 31 hardship waivers.

"If EPA intends to comply with the law, then yes, I think the agency has no choice other than to redistribute or reallocate the exempted volumes," Cooper says. "So far, they have refused to do that, and that's why we have taken them to court over these exemptions."

Senator Chuck Grassley (R-Iowa) says the EPA is not only undermining the Congressional intent in the RFS, but also accuses the agency of granting waivers even when the Department of Energy has not found hardship experienced by the refiner.

EPA's Bill Wehrum denies those claims.

"We, in conjunction with the Department of Energy, require a substantial amount of information to be provided by those who ask for the waivers, including very detailed information about the financial condition of these facilities and the companies that run them...whether there is hardship that warrants the issuance of an exemption," Wehrum says. "So, I'll just say, based on how you asked the question, we just categorically deny the assertion that we're granting waivers to facilities that are not deserving."

Except, Cooper says, refineries aren't currently facing difficult economic conditions. "There is plenty of proof that the refiners aren't experiencing hardship," he says.

For years, oil refiners have pointed to Renewable Identification Number (RIN) costs as proof of economic hardship. In the past, RINs have been nearly \$1, however since the spring of 2018 they have been below 20¢.

"So, if the measure of economic harm is RIN prices, then they have no argument, because we've had historically low RIN prices for almost two years now," Cooper says. "So, I really fail to understand what evidence they could have possibly provided to EPA, to substantiate a finding of disproportionate economic harm."

Cooper went as far as to call the hardship waiver consideration process a "sham."

"It's a strong statement that this process is a sham, but I don't know how else to describe it," he says. "The refining sector is doing just fine. The farm sector is hurting, and the ethanol industry is printing negative margin, bleeding red. Yet, these companies, these refiners are given a bailout or excuse from their legal obligations to blend."

Transparency Disputes

When Andrew Wheeler took over the helm of the EPA as Administrator, he promised to provide an "abundance" of transparency around the hardship waiver approval process. The agency launched a new website that includes a dashboard specifically for waiver information. Still, Cooper says, there's a cloak of secrecy around the process.

"We don't know anything about who those six refiners are or why their petitions were denied," he says, referring to the six denied requests announced in early August. "We don't know anything about the 31 refineries that were granted exemptions. This process is no more transparent today than it was under Administrator Pruitt."

According to Pro Farmer's Jim Wiesemeyer, Grassley wants RFS waiver information from Security and Exchange Commission (SEC) filings, which he says will highlight the extent to which major oil companies are benefitting from the biofuel usage waivers provided to small refineries.

"We can't let [oil companies] hide behind proprietary information," Grassley told reporters Tuesday. "If they are getting help from the government, the government needs to know the basis for their help and the public needs to know."

Confidentiality provisions currently preclude EPA from disclosing specific information on individual small refinery exemptions granted.

RIN Resolution

The ethanol industry doesn't want the EPA to completely do away with RIN waivers for economic hardship, Cooper says, they just want the EPA to honor the RFS.

"We have a law that has been enforced since 2007, and it put these very specific blending obligations in place," he says. "As long as that law is on the books, EPA needs to enforce it. Does the law allow small refinery exemptions? Yes, it does. But it also says if you're going to exempt 31 small refiners, you need to take that lost volume and redistribute it to non-exempt refiners."

So far EPA has refused to reallocate lost volume and therefore Cooper says, they're violating the law.

"The solution to us looks like following the law of making sure that that 15 billion gallons figure is implemented," he says.

EnergyWire

"EPA May Roll Back Methane Rules. Will States Fill the Gap?"

<https://www.eenews.net/energywire/stories/1060954759/search?keyword=EPA>

Mike Lee & Carlos Anchondo

A Trump administration plan to replace Obama-era methane standards for the oil and gas industry could leave behind a patchwork of state regulations and voluntary goals to rein in emissions from one of the most potent greenhouses gases.

But analysts say the hodgepodge of existing efforts likely will fall far short in cutting methane emissions to levels needed to meet climate goals.

EPA is expected to release its draft rule replacement on the Obama-era curbs on methane in the coming months, and some say it may not target the greenhouse gas directly (Greenwire, Aug. 12).

That could put the spotlight on the half-dozen energy-producing states with methane regulations on the books, if EPA dials back its focus on natural gas in updates to the 2016 New Source Performance Standards. Several major oil and gas companies have also announced voluntary plans to cut their emissions and pressed the Trump administration to regulate methane.

But two of the biggest oil- and gas-producing states, Texas and North Dakota, don't have rules on methane emissions. About half of U.S. oil comes from those two states, and Texas alone produces a fourth of the nation's gas. And the oil companies haven't always lived up to their promises.

Sarah Smith, who leads a team at the Clean Air Task Force that focuses on minimizing emissions of pollutants like methane, said that if federal rules around methane go away, oil and gas equipment would largely go unregulated.

"That would be truly disastrous for communities and for the climate," Smith said.

There is room for greater state-level leadership, Smith added.

As some have already done, states could speak up in support of retaining existing federal standards, Smith said, and must enforce existing standards by investing in checks to ensure companies are in compliance.

The regulatory outcome is significant because methane, the main ingredient in natural gas, traps far more heat than carbon dioxide when it's released in the atmosphere, and it's responsible for as much as a fourth of human-caused global warming. Last year, the Intergovernmental Panel on Climate Change said that methane might have to be reduced 35% below 2010 levels by midcentury to hold temperature rise at 1.5 degrees Celsius.

"If companies aren't being held accountable through a regulatory structure that's comprehensive and evenly applied, then we don't have the guarantees of the reductions that we need to make a difference for the climate," said Dan Grossman, senior director of regulatory affairs at the Environmental Defense Fund who has helped states write methane regulations.

The Independent Petroleum Association of America, which has urged EPA to roll back its methane standards, argues that the Clean Air Act's requirements for New Source Performance Standards were intended to provide a "floor" for pollution levels. The states each have their own legal framework, but it's better than having a one-size-fits-all requirement from the federal government, said Lee Fuller, the group's executive vice president.

"The fear was states would become pollution havens of some kind if there wasn't such a floor. But we've passed that a long time ago," Fuller said.

Getting 'worse'

A glance at the oil-patch states shows that they have widely varying approaches on methane.

Colorado became the first state in the country to regulate methane as a pollutant in 2014. The regulations apply to both new and existing facilities and require companies to periodically check for and repair leaks at oil and gas facilities. The state Department of Public Health and Environment plans to update the rules this year.

California, Wyoming and Ohio also have adopted rules similar to Colorado's.

Pennsylvania, the second-biggest gas-producing state in the country, has a permit system that's intended to limit emissions from new wells, and it's working on emissions regulations for the thousands of existing wells in the state (Energywire, Dec. 11, 2018).

In New Mexico, which has become the third-biggest oil producer in the last few years, Gov. Michelle Lujan Grisham (D) ordered state regulators to write a methane rule for the oil industry. The state environmental department expects to roll out the plan next year.

There's been opposition to many of the state rules.

In Pennsylvania, for example, the trade group Marcellus Shale Coalition disliked the state's methane-reduction plan and questioned its legality even after two years of negotiations.

"We remain concerned about imposing additional requirements ... particularly those that exceed DEP's statutory authority," the trade group's president, David Spigelmyer, said in a statement last year when the rules were finalized.

Yet proponents say state standards helped cut emissions without curtailing oil and gas production.

"Our experience is, you can have both," said Garry Kaufman, head of the Air Pollution Control Division at the Colorado Department of Public Health and Environment.

In New Mexico, the oil industry initially opposed Lujan Grisham's methane plan but has become more comfortable that the state agencies are willing to listen to producers and write a rule that doesn't curtail their output.

"We've been pleased at the level of engagement, at the level of interest," said Robert McEntyre, a spokesman for the New Mexico Oil and Gas Association.

But in large energy states like Texas without regulations, companies have been allowed to flare large amounts of natural gas because it's not economic for companies to pipe it to markets.

Flaring gas can release a range of pollutants because of impurities in the gas. The flares can also release raw methane if they don't ignite correctly or if they don't fully combust the gas.

And while major oil companies like Exxon Mobil Corp. and Royal Dutch Shell PLC have pledged to cut their emissions, their performance hasn't always matched their goals.

In Texas, state data shows that three of the 15 biggest producers in the Permian Basin oil field flared more than 4% of the gas they produce in 2018, and five companies were flaring a greater percentage of their gas in 2018 than in 2016, according to data released yesterday by the Environmental Defense Fund.

Exxon's XTO subsidiary wasted about 4.5% of its gas production in 2018, down from about 9% in 2016, the EDF analysis shows. Shell's flaring rose from 4% of production to 5% of production during the same period.

Exxon spokesman Scott Silvestri said the company still supports a federal methane regulation. He didn't respond to an emailed question about EDF's flaring analysis. Shell didn't immediately respond to phone messages seeking comment.

The data in Texas shows that some companies are making progress on reducing flaring, EDF's Colin Leyden said in a blog post.

"It also shows us that other companies will exploit the dearth of rules around flaring until they're forced to comply," he wrote. "We can't simply count on the actions of a few responsible companies to clean up unnecessary pollution in the Permian."

ClimateWire

"Here's How Emissions Could Rise Under the Methane Rule"

<https://www.eenews.net/climatewire/stories/1060952903/search?keyword=EPA>

Jean Chemnick

Most of the oil and gas sector's methane emissions would fall outside of regulation if EPA carries out plans to weaken Obama-era rules for the sector.

Observers expect EPA will soon propose regulations for the industry that won't target methane directly and that will cover new upstream facilities only. The rules would set EPA up to ignore existing oil and gas operations, which contribute the vast majority of the sector's methane emissions (Climatewire, Aug. 12).

As a result, at least 84% of the petroleum sector's emissions wouldn't be covered, according to data drawn from six years of peer-reviewed research by the Environmental Defense Fund and 140 lead authors at universities and institutions across the country.

A synthesis report in Science last year spearheaded by EDF scientist Ramón Alvarez built on 16 prior studies to estimate that the petroleum sector leaked 13 million metric tons (MMT) of the potent greenhouse gas in 2015.

Using those peer-reviewed figures, new and modified production covered by the rule accounted for about 1.4 MMT of methane in 2015, and gathering and processing facilities that might be included in the rule would bring the covered total up to about 2.1 MMT — or 16% of the sector's total methane output.

"We now know that that number is probably low," said David Lyon, an EDF scientist who worked on the project culminating in the Science report.

When wells drilled since 2015 and new emissions projections from Texas' Permian Basin are added to that tally, the sector's true methane footprint was likely at least 15.6 MMT two years ago, according to EDF's production data.

EPA's own figures for oil and gas methane are significantly lower. The agency's April 2017 inventory estimates the oil and gas sector was responsible for 8.1 MMT through 2015.

But EPA uses a methodology that EDF and other experts say systematically undercounts oil and gas methane (Climatewire, Aug. 7). Between EPA's lowball estimate and its leaders' decision to propose two separate rules to replace a single Obama-era methane standard for new sources — with costs and benefits for that swap split between those two rulemakings — experts in the environmental field fear the agency's regulatory impact analysis will hide the true consequences for the climate.

The costs of warming from increased methane emissions could be compounded, experts say, if the Trump administration manages to prevent the regulation of existing oil and gas sources.

"I think that really the biggest issue is that they're going to be underestimating the avoided losses and potential benefits of having a strong regulation," Lyon said.

Existing sources

EPA is expected to propose rules for new and modified sources that center not on methane but on volatile organic compounds, or VOCs. The ozone precursor is leaked during the production, processing and gathering of natural gas. Capturing it could have the co-benefit of limiting methane emissions at those stages of the oil and gas supply chain.

But VOCs are barely present further downstream. While the Obama-era rule directly covered methane leaked by oil and gas transmission and storage, observers expect the new rules to ignore those emissions.

The Science study found that in 2015, the U.S. oil and gas industry leaked 1.8 MMT of methane during transmission and storage.

Excluding those stages in the new source regulations won't in and of itself make much of a difference in methane emissions. That's because the overwhelming majority of oil and gas infrastructure from well pad to storage tank to pipeline is deemed "existing" by EPA. Only about 0.2% of oil and gas transmission and storage infrastructure would be touched by a new source rule, based on criteria laid out in the Obama-era rule.

During the Obama administration, EPA had been eyeing regulations for existing oil and gas operations across the supply chain. But by tailoring its new rule to VOCs, EPA may now be able to skirt a regulatory "trigger" to consider whether existing sources' methane emissions merit limits.

The Science report estimates that existing production operations released 6.2 MMT in 2015. EDF's more recent figures for the Permian and post-2015 production expands that number to 8.4 MMT. At least 80% of U.S. processing and gathering infrastructure would be considered existing sources, as well.

So the climate impact would be substantial if EPA skips an existing-source rule for oil and gas methane. Consider that a metric ton of methane contributes at least 25 times as much to climate change in the first century after its release as a metric ton of carbon dioxide.

The cost to society and the economy from those unregulated emissions could be large, too: \$11.7 billion, based on the Obama administration's final social cost of methane estimate of \$1,400 per metric ton.

'License to operate'

Many U.S. oil and gas producers have long opposed existing-source rules, and the American Petroleum Institute made that a top request early in the Trump administration.

In a February 2017 email to Associate Deputy Secretary of the Interior James Cason, API senior policy adviser Holly Hopkins included a wish list of rules and rollbacks for agencies across the federal government. The second item was EPA's methane standard.

"Regulation of existing sources should be avoided," stated the wish list, which EDF obtained through a Freedom of Information Act request to DOI.

The trade group proposed that EPA revisit the Obama-era determination that existing source methane represents a "significant contribution" to the finding that greenhouse gases endanger public health and welfare, a precondition for regulating it. In remarks to a U.S. Energy Association gathering in May, EPA Administrator Andrew Wheeler indicated that the agency is reconsidering that determination in its new oil and gas proposal.

API continues to press for a VOC-only standard for new and modified sources and for no existing-source standard. It did not respond to requests to comment. But some large multinational petroleum companies have taken more progressive stances on regulation, calling for EPA to keep in place many of the Obama-era methane capture requirements, including green completions to control methane at the wellhead (Energywire, March 13).

In comments submitted to EPA last year for a related proposal on leak monitoring and record-keeping requirements, Exxon Mobil Corp. expressed support for both new and existing methane regulations.

"In that regard we support retaining the key elements of the underlying regulation, such as leak detection and repair programs, control requirements on regulated storage tanks and reduced emission completion on new wells," the company stated.

And Susan Dio, chairwoman and president of BP America, said in a March op-ed in the Houston Chronicle that EPA must regulate methane.

"[W]e need to protect natural gas' license to operate," she wrote. "When used in electricity generation, natural gas has less than half the CO2 emissions of coal, and it also can be a vital backup to renewables. But to maximize the climate benefits of gas — and meet the dual challenge of producing more energy with fewer emissions — we need to address its Achilles' heel and eliminate methane emissions."

Newark

The PBS News Hour

"N.J. Officials Say EPA is Helping to Test for Lead in Newark's Water"

<https://www.pbs.org/newshour/nation/n-j-officials-say-epa-is-helping-to-test-for-lead-in-newarks-water>

David Porter

NEWARK, N.J. (AP) — New Jersey authorities said Wednesday they're working with federal officials to determine how widespread lead in Newark's drinking water might be, as the city handed out bottled water to residents for the third day in a row.

New Jersey Gov. Phil Murphy, Department of Environmental Protection Commissioner Catherine McCabe and Newark Mayor Ras Baraka spoke at a news conference after touring a bottled water distribution center.

The event came just days after word that two homes in New Jersey's biggest city tested positive for lead in the water despite the use of filters, and the mayor and governor vowed to hand out bottled water.

McCabe said she is meeting in Washington Thursday with federal Environmental Protection Agency Administrator Andrew Wheeler about the issue, and she added that officials are trying to get a handle on how widespread the issue is. She emphasized that authorities have limited results so far.

Newark dealt with elevated lead levels in its service lines for years and distributed nearly 40,000 filters since last year because some homes with lead service lines tested positive for the substance.

The latest issue came about when three homes' filters were checked recently and two tested positive for lead.

Officials say no level of lead is safe. But federal rules set a level of 15 parts per billion as a tripwire. In Newark's case, authorities said the lead is leaching in from the pipes and is not originating from the source water, which comes from a water treatment plant about 18 miles northwest of the city.

It's unclear how high the lead levels in the two homes that tested positive were. McCabe and Murphy stressed Wednesday that the levels showed a drop but weren't low enough to meet the federal threshold. Baraka said the city doesn't yet have enough information to know whether the filters the city distributed are working. McCabe noted that the same filters have been used in Flint, Michigan, where lead leached into the water supply in 2014 and 2015.

Newark operates a lead information website that allows residents to look up whether their homes have lead service lines.

Murphy said the state has about 70,000 cases of water through its emergency management agency available. He added that private corporations and faith-based groups are also volunteering water to give to residents.

GreenWire

"EPA, N.J. Environment Chief to Meet About Newark Lead Crisis"

<https://www.eenews.net/greenwire/stories/1060961393/search?keyword=EPA>

Ariel Wittenberg

New Jersey's environmental chief is headed to Washington, D.C., to meet with EPA Administrator Andrew Wheeler today, amid a spiraling crisis over lead in Newark's drinking water.

The meeting comes after water that had been treated by faucet filters at two homes in the city continued to show elevated levels of lead.

"EPA is as surprised as we are," Department of Environmental Protection acting Commissioner Catherine McCabe said in a press conference yesterday, according to a video shared by NJ.com.

New Jersey DEP did not immediately respond to requests for more details about lead levels in the filtered water.

The city of Newark has distributed 38,000 free filters to protect residents after samples showed lead levels in the city reached 250 parts per billion — more than 16 times the limit set by EPA. The elevated lead levels are coming from the Pequannock Water Treatment Plant that serves most of Newark and sells water to neighboring municipalities, where lead levels are also elevated.

Newark Mayor Ras Baraka yesterday cautioned the public not to panic, noting that only homes served by lead pipes from that water treatment plant are at risk. There are more than 18,000 lead service lines in the city, he said.

"Every home, every building, every place in the city does not have an issue," he said. "Unfortunately, some people do."

Since EPA testing revealed the filter issue, the agency sent a letter to city and state officials telling them to provide bottled water to residents in effective areas "out of abundance of caution."

The bottled water must be used for drinking as well as cooking.

New Jersey Gov. Phil Murphy (D) said at yesterday's press conference that the task was putting a strain on the state's emergency resources.

"We will do everything we can, I know the mayor is doing everything he can, we need the federal government to do their share and punch their weight," he said. "You know, we don't have an unending supply of water bottles."

Anheuser-Busch Cos. LLC, PepsiCo. and local religious organizations have donated water, he said, "to augment the state emergency operation supply of water bottles."

He also said that it is especially critical for higher-risk populations, like pregnant and nursing women and children younger than 6, to only use bottled water "until further notice."

"Clean water is a right, not a privilege, and we believe that with great passion," Murphy said.

The filters in question were manufactured by PUR. A representative from PUR's parent company, Helen of Troy Ltd., did not immediately respond to requests for comment.

PUR faucet filters have been safely used across the country — including in Flint, Mich., during its lead crisis.

"They did a big study in Flint to show that these filters were effective," McCabe said, noting that lead levels in Flint were higher than those currently plaguing Newark.

She said she is meeting with Wheeler because "EPA is going to help us with the solution."

"I can't tell you when we are going to have it. We know what we need to do, but we are not sure how long it is going to take us to get there," she said.

EPA did not respond to requests for comment.

Filters in question

Virginia Tech professor Marc Edwards is currently working on a project with researchers from Louisiana State University and Northeastern University assessing the reliability of lead filters certified by NSF International.

The problem, he said, is not unique to PUR filters.

While Edwards said he didn't want to name specific brands, he said that across multiple manufacturers, his team has found that filters can have variable success with removing very fine particles of lead in water.

"All of them are good at dissolved lead and big particles, but when it comes to teeny tiny particles of lead, there can be a marked difference in terms of performance from one device to another but also even for the same device," he said.

Edwards said his team is not sure whether the cause is a "manufacturing defect or a variability in the quality of these devices."

The researchers haven't yet shared their findings with either regulators or the companies involved, Edwards said. That's in part because "we haven't yet had a real world example where our discovery applied until now," he said.

"But this is certainly expected," he said. "I don't think anyone who knows how these devices work would be surprised that their performance can vary water to water."

Edwards' team has also found similar results in pitcher filtration systems.

While filters may not be the perfect solution to lead crises, Edwards said, "You're always better using a filter than not using a filter."

"The question is whether the removal you achieve is good enough," he said.

Yanna Lambrinidou, founder of Parents for Nontoxic Alternatives, noted that many communities across the country have deployed filters in the fight against lead poisoning. The D.C. school system, for example, is required to have filters on every faucet. D.C. also requires that water from the filters be regularly tested to ensure they are working.

"The large-scale use of filters is relatively new in this country, where you are distributing them and making them available to people in a crisis," Lambrinidou said. "So it seems it is only prudent to be checking to make sure that all these filters work as expected and to be open to the possibility that under certain circumstances, different type of filters might not work as well."

CBS Evening News

"Fix it!": Newark residents concerned over lead in water supply"

<https://www.cbsnews.com/news/lead-water-supply-drinking-newark-new-jersey-warning-today-2019-08-12/>

Don Dahler

Last Updated Aug 12, 2019 7:00 PM EDT

Newark, N.J. — High school history teacher Yvette Jordan and her husband Frank are among thousands of Newark residents urged to use bottled water until further notice. Recent tests by the Environmental Protection Agency (EPA) showed the 38,000 water filters handed out by the city might not be effective in removing lead from Newark's water supply.

"We had our water tested and it's three times the federal action level," Yvette told CBS News. "So that's upsetting." Newark is catching up to a problem it's reportedly denied for more than a year. But Mayor Ras Baraka said the water giveaway is out of an abundance of caution.

"The testing was performed in only three homes, which we believe is a small sample size," Baraka said a press conference.

The lead is suspected to be leaching into the water from old pipes in predominantly lower income and minority neighborhoods.

The National Resources Defense Council (NRDC), which is suing Newark for violating federal safe drinking water laws, estimates that 30 million Americans drink community water that contains lead. And 5.5 million get water that exceeds the EPA's maximum levels.

"We need to make some investments in fixing our lead contamination problems," said NRDC's senior director Erik D. Olson. "They have been with us for decades but they continue to haunt us and they are threatening children across the country."

The mayor said the lead service pipes have to be replaced at an estimated cost of \$70 million. He has asked President Trump for federal assistance.

"I'm extremely concerned for my students," Yvette said. "Water is a human right. Fix it!"

Water

Politico Pro

"EPA Plan to Curb State Water Vetoes Wades into Dam Battle"

<https://subscriber.politicopro.com/article/2019/08/epa-plan-to-curb-state-water-vetoes-wades-into-dam-battle-1660726>

Annie Snider

When President Donald Trump directed EPA to rein in states' ability to block energy projects over environmental concerns, he touted the benefits for the oil and natural gas industries.

But long before high-profile rejections of natural gas pipelines and a coal export terminal by Trump's blue-state foes focused the administration's attention on the little-known provision of the Clean Water Act that gives states veto authority over infrastructure projects, the hydropower industry was working to undo it.

The EPA proposal issued Friday represents a major win for the owners and operators of dams seeking to speed up relicensing and limit states' ability to dictate how their projects must operate — a fact that has contributed to bipartisan concern from the governors of Western states, and that lawyers say poses a major legal vulnerability for the administration, given Supreme Court precedent.

For months, the bipartisan Western Governors Association has been raising objections to the Trump administration's efforts to rein in state authority under the water law, even as some of the same governors are challenging Washington state's 2017 denial of a massive coal export terminal in court.

A spokesperson for the association said Monday that the group opposes EPA's proposed changes to states' authority under Section 401 of the Clean Water Act.

"Actions taken by the Environmental Protection Agency in its Clean Water Act permitting processes should not impinge upon state authority over water management or the states' responsibility to implement CWA provisions," a spokesman for the bipartisan Western Governors Association said in a statement. "Section 401 of the CWA is operating as it should, and states' mandatory conditioning authority should be retained without amendment."

But Malcolm Woolf, head of the National Hydropower Association, hailed the EPA proposal.

"The regulatory improvements proposed by EPA will help preserve and expand hydropower resources — the only carbon-free resource capable of providing long duration storage and the flexibility needed to increase the reliability of variable renewables," he said in a statement last week.

Not only do many governors see the issue as one of protecting states' rights, but water experts say the Trump administration's proposed rule runs headlong into a decades-long dispute over who wants to control river flows.

For more than thirty years, states and the Federal Energy Regulatory Commission have been at odds over who gets to decide how much water a dam operator must let spill over the top of a dam or divert around the electricity-generating turbines, an action usually taken to benefit fish and wildlife.

States turned to the Clean Water Act provision after a 1990 Supreme Court decision rejected an argument by California that the Federal Power Act gave it the right to set "minimum flow rates" for dams. Since then, the courts have agreed that states could set their own minimum flow requirements as part of the certification under Section 401.

The key decision came in a 1994 case out of Washington state, in which the Supreme Court ruled that states have broad authority under the water law to impose conditions necessary to protect water quality. In an opinion from then-Justice Sandra Day O'Connor, the court specifically batted down the argument that the law is aimed only at water quality, not water quantity, calling that "an artificial distinction, since a sufficient lowering of quantity could destroy all of a river's designated uses, and since the Act recognizes that reduced stream flow can constitute water pollution."

Tony Willardson, executive director of the Western States Water Council, said states have fiercely guarded their authority to set conditions that are often key to protecting rivers for fish and wildlife, recreation and other uses.

"All of the states, whether it's 401 or minimum bypass flows, believe that the state's in the best position to make those decisions as to what's going to protect their environmental values," he said.

As major dams, many half a century old, have come up for relicensing in recent years, several states have leveraged their Clean Water Act authority to impose strict new requirements.

In Maryland, Republican Gov. Larry Hogan's administration last year issued a 401 certification for the Conowingo dam that would require its owner, Exelon Corp., to pay up to \$7 billion to reduce pollution flowing through it. The Hogan administration wants Exelon to dredge the reservoir that has trapped pollution, but which often releases it into the Chesapeake Bay when storms churn the reservoir. Alternately, Maryland has suggested Exelon take steps to reduce pollution runoff upstream. The company argues it shouldn't be responsible for what it simply conveys and it is fighting the requirements in court.

On the Klamath River, running between northern California and Oregon, power company PacifiCorp agreed to remove four hydroelectric dams as part of a major water-sharing deal between the company, farmers, tribes, environmental groups and the states — in part driven by stringent new requirements that the states were expected to seek as part of their Clean Water Act certification if the dams were to be relicensed.

Kelly Catlett with the Hydropower Reform Coalition said the 401 certifications have been an "incredibly important tool" for states seeking to balance the uses of a river.

"The other authorities states have are purely advisory," she said, "so losing 401 or the ability to exercise some oversight in applying state water quality standards to these licenses effectively takes states out of the licensing game completely."

Over the next 13 years, about 325 hydropower projects representing 16 gigawatts of renewable power will be due for relicensing, according to the National Hydropower Association. But what exactly how Trump administration's proposal would affect them isn't entirely clear.

In 2006, the Supreme Court ruled that anything flowing through a dam constitutes a discharge that is subject to 401 certifications. The hydropower association says it considers this settled law.

But other legal experts say the new proposed rule, which would strictly limit states' review to discharges that affect water quality, could change the playing field given another recent regulatory change.

Two years after that 2006 Supreme Court decision, EPA put in a place a rule that said water transferred from one body of water to another doesn't require a Clean Water Act discharge permit as long as pollutants aren't being added as the water is moved.

"I think the proposed rule raises the question of whether a Section 401 certification is necessary if a dam is simply transferring water to another water body without adding any pollutants," said Thaddeus Lightfoot, a former Justice Department attorney now practicing at Dorsey & Whitney LLP.

But it is clear that EPA's proposed rule would prevent states from extending the amount of time they have to review hydropower project applications. The Clean Water Act limits 401 reviews to one year, but in complex projects,

companies have frequently withdrawn their applications as the one-year mark approached, and then resubmitted them as a way of restarting the clock rather than risking an outright denial. That practice has given states and hydropower companies time to negotiate the terms of certifications.

The proposed rule, however, would outlaw that practice by requiring a final decision by the state within one year.

That could result in states denying applications if they don't think they have enough information or time to make a decision. Under the proposed rule, the federal agency issuing the permit or license could overrule the state's denial if it determines the rejection was based on factors outside of the state's scope under the Clean Water Act.

But before these open questions will be answered, the Trump administration will probably need to defend the rule in court.

Pat Parenteau, a professor at Vermont Law School, said that stands to be an uphill battle because of the 1994 high court ruling in *PUD No. 1 of Jefferson County v. Washington Department of Ecology*, which found states have broad authority to condition their certifications on issues beyond simply pollution discharges.

In the preamble to the new rule, EPA argues that, in that decision, the high court did not analyze the law using the first step under the Chevron doctrine, resulting in a decision that is based on "infirm footing." Instead, the Trump administration turns to Justice Clarence Thomas' dissenting opinion to support the rule.

"They're laying their tent poles on Thomas' dissent, so good luck with that," Parenteau said.

The Washington Post

"NJ Officials" We're Working with EPA to Test Lead in Water"

https://www.washingtonpost.com/national/nj-officials-were-working-with-epa-to-test-lead-in-water/2019/08/14/9df29c2c-beca-11e9-a8b0-7ed8a0d5dc5d_story.html

David Porter

NEWARK, N.J. — New Jersey authorities said Wednesday they're working with federal officials to determine how widespread lead in Newark's drinking water might be, as the city handed out bottled water to residents for the third day in a row.

New Jersey Gov. Phil Murphy, Department of Environmental Protection Commissioner Catherine McCabe and Newark Mayor Ras Baraka spoke at a news conference after touring a bottled water distribution center.

The event came just days after word that two homes in New Jersey's biggest city tested positive for lead in the water despite the use of filters, and the mayor and governor vowed to hand out bottled water.

McCabe said she is meeting in Washington Thursday with federal Environmental Protection Agency Administrator Andrew Wheeler about the issue, and she added that officials are trying to get a handle on how widespread the issue is. She emphasized that authorities have limited results so far.

Newark dealt with elevated lead levels in its service lines for years and distributed nearly 40,000 filters since last year because some homes with lead service lines tested positive for the substance.

The latest issue came about when three homes' filters were checked recently and two tested positive for lead.

Officials say no level of lead is safe. But federal rules set a level of 15 parts per billion as a tripwire. In Newark's case, authorities said the lead is leaching in from the pipes and is not originating from the source water, which comes from a water treatment plant about 18 miles (29 kilometers) northwest of the city.

It's unclear how high the lead levels in the two homes that tested positive were. McCabe and Murphy stressed Wednesday that the levels showed a drop but weren't low enough to meet the federal threshold. Baraka said the city doesn't yet have enough information to know whether the filters the city distributed are working. McCabe noted that the same filters have been used in Flint, Michigan, where lead leached into the water supply in 2014 and 2015.

Newark operates a lead information website that allows residents to look up whether their homes have lead service lines.

Murphy said the state has about 70,000 cases of water through its emergency management agency available. He added that private corporations and faith-based groups are also volunteering water to give to residents.

GreenWire

"Court Scraps D.C. Standards for Bacteria in Rivers"

<https://www.eenews.net/greenwire/stories/1060950593/search?keyword=EPA>

Ellen M. Gilmer

EPA-approved pollution limits for Washington, D.C., waterways do not meet Clean Water Act standards, a federal court ruled this week.

The U.S. District Court for the District of Columbia found Monday that EPA should not have signed off on local standards for E. coli in the Anacostia River, the Potomac River and Rock Creek.

The district's standards for "total maximum daily loads" of permissible pollution did not set hard daily caps on discharges, in violation of the Clean Water Act, the court ruled.

"The bottom line is that EPA's interpretation does not comply with the statutory mandate," Judge Christopher Cooper wrote. "The statute's unambiguous text requires EPA to approve figures that represent upper limits of pollutants that can enter water bodies on any given day."

D.C. government officials now have a year to craft new E. coli standards, unless EPA updates its regulations for state water quality permitting.

"This is a major victory not just for the regional environment, but most importantly, for all those across the metropolitan area who use these rivers for livelihood and recreation," Earthjustice attorney Seth Johnson said in a statement.

Earthjustice filed the underlying lawsuit on behalf of the Anacostia Riverkeeper, Kingman Park Civic Association and Potomac Riverkeeper Network in 2016.

Bloomberg Environment

"Texas, Oklahoma Seek Feds' OK on Regulating Fracking Wastewater"

<https://news.bloombergenvironment.com/environment-and-energy/texas-oklahoma-seek-feds-ok-on-regulating-fracking-wastewater-52>

Chuck McCutcheon

Texas and Oklahoma are seeking federal permission to regulate fracking wastewater under their own programs, raising concerns among environmentalists, Paul Stinson writes.

The states, both big oil and gas producers, are asking the EPA to delegate authority to them to administer programs governing the discharge of wastewater from drilling.

The states say they can remove toxic chemicals and reuse or recycle the water, but environmental groups warn that the reuse and recycling technology touted by the states hasn't been proven. Delegating oversight to the states would mean

“essentially creating a new program to permit a previously un-permitted activity,” said Adrian Shelley, director of Public Citizen’s Texas office.

Bloomberg Environment

“Texas, Oklahoma Want More Say in Handling Fracking Wastewater”

<https://news.bloombergenvironment.com/environment-and-energy/texas-oklahoma-want-more-say-in-handling-fracking-wastewater>

Paul Stinson

Texas and Oklahoma are seeking federal permission to regulate fracking wastewater under their own programs, raising concern among environmentalists who fear that oil and gas companies will eventually be allowed to discharge toxic chemicals into streams and rivers.

The states, both big oil and gas producers, are asking the Environmental Protection Agency to delegate authority to them to administer programs governing the discharge of wastewater from drilling.

The states say they can remove toxic chemicals and reuse or recycle the water, but environmental groups warn that the reuse and recycling technology touted by the states hasn’t been proven.

The states are looking to take advantage of an ongoing EPA evaluation of wastewater management practices, which includes the circumstances under which fracking waste may be discharged into rivers.

Fracking, or hydraulic fracturing, uses high pressure to inject a liquid mix into rock to drill for oil or gas.

Companies dispose of fracking waste by injecting it underground. That technique has caused problems in earthquake-prone Oklahoma, which has seen a decline in seismic activity since placing limits on wastewater disposal, according to the Petroleum Alliance of Oklahoma.

Oklahoma Goes First

Officials from both states said they’re moving along with their plans.

Oklahoma first asked the EPA in December 2018 for permission to run its own program and regulate fracking wastewater as industrial water, said Erin Hatfield, a spokeswoman for the state Department of Environmental Quality.

The DEQ is working to resubmit its application, Hatfield said Aug. 14. “We do hope to get this completed rather soon.”

Industrial wastewater is allowed to be discharged, Hatfield said, provided it meets all effluent limitation guidelines established by EPA and all applicable water quality standards established by the Oklahoma Water Resources Board.

Wastewater from fracking “remains a huge issue for Oklahoma,” Kenneth Wagner, secretary of energy and environment for the state, said at a conference sponsored by the State Bar of Texas in early August. Reusing the water, he said, is an area of increasing focus.

Texas, meanwhile, is using a new state law, HB 2771, that gives officials until Sept. 1, 2020, to ask the EPA for permission to run their own permitting program, according to an analysis of the measure.

Oklahoma “is just a little ahead of us on this one,” Texas Commissioner on Environmental Quality Emily Lindley said at the conference.

Critics say the states, if given more authority, would likely move toward discharging wastewater into rivers and streams.

Delegating oversight to the states would mean “essentially creating a new program to permit a previously un-permitted activity,” said Adrian Shelley, director of Public Citizen’s Texas office.

“There is no state or federal agency that is authorizing discharges of this type—meaning fracking wastewater discharges into state waterways—so it’s not as if we’re taking a federal program and delegating it to the state,” Shelley said.

EPA Studying Wastewater Discharge

Both states are counting on the EPA to loosen regulations on direct discharges of wastewater into rivers, a practice currently prohibited except under specific circumstances.

The federal agency is studying the issue, publishing in May a draft study evaluating oil and gas extraction wastewater management under the Clean Water Act after a public comment period.

An EPA official told Bloomberg Environment the agency plans to finalize the study and “announce any next steps later this year.”

Ken McQueen, the new head of the EPA’s south-central region, which includes Texas and Oklahoma, said recently that the expansion of states’ rights to issue permits for discharging pollutants into federal waterways “will be one of the forefront policy initiatives” for the agency.

Industry and state officials say fracking byproducts can safely be discharged into wastewater.

Moreover, delegating authority to the states “does not change the stringent requirements under the federal Clean Water Act and accompanying regulations associated with wastewater management,” Todd Staples, president of the Texas Oil and Gas Association, said in an e-mail.

“Bottom line is that we understand the discharges are not similar, but if you can clean water to discharge limits, then it shouldn’t matter if it is municipal waste, chicken waste, or produced water,” Chad Warmington, president of the Petroleum Alliance of Oklahoma, said in an e-mail. “I think we’re confident that if the data and the facts went out, it should be approved.”

But Johnson Bridgwater, director of the Sierra Club’s Oklahoma chapter, said techniques designed to remove toxic chemicals have not been able to remove “for certain the entire catalog of known toxic chemicals used in fracking and found in produced water, nor can they address the issue of radioactivity, a known problem related to produced water.”

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg. Bloomberg Environment is operated by entities controlled by Michael Bloomberg.

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Subject: EPA News Highlights 8.8.18
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EPA News Highlights 8.8.18

ABC News: EPA officials say rule would close the door on asbestos

The Environmental Protection Agency is moving forward on a proposal that would require companies to get EPA approval to manufacture and import asbestos, a move that officials say would "close the door" on uses for asbestos that could resume at any time under the current law. A rule proposed by the EPA says the agency has identified several areas where asbestos is no longer used, such as roofing materials, and would require that any company that wants to manufacture or import asbestos for that purpose has to notify the agency at least 90 days in advance. The uses for asbestos that the rule covers are not illegal. The EPA has banned some uses for asbestos, like spray-on insulation, but a ban on most products that contain asbestos proposed in 1989 was later overturned by a federal appeals court.

The Hill: EPA pushes back on asbestos criticisms

The Trump administration is pushing back against a rash of criticism that new Environmental Protection Agency (EPA) policies could lead to the import or manufacturing of asbestos. The controversy stems from a June 1 proposal that sought to require companies to notify the EPA if they planned to import or manufacture various out-of-date uses of asbestos, like roofing felt and floor tile. It led this week to a firestorm, with news stories, denunciations and well-known figures like Chelsea Clinton and Sen. Brian Schatz (D-Hawaii) charging that the EPA is opening the door to asbestos — something the agency strongly refutes.

CNN: EPA says it's strengthening asbestos regulation, not gutting it

The Environmental Protection Agency says that, contrary to recent reports, it is moving to close a loophole on asbestos, rather than expand the ways the deadly chemical can be used. An agency official pointed to two asbestos-related policy announcements made by the agency this summer -- including a rarely-used process called "significant new use rule," or SNUR -- and said they create "a regulatory backstop where none has existed before." "The SNUR is really a good news story for public health protection," said Nancy Beck, a scientist and the deputy assistant administrator for EPA's chemical program. Critics of the agency's move say it could have done more, including an outright ban on the use and importation of asbestos.

KRDO: EPA hosts forum about contaminated water in Security-Widefield

The Environmental Protection Agency held a forum Tuesday night to discuss the per-fluorinated chemicals (PFC's) contaminating the water in Security-Widefield and Fountain. It's thought the chemicals came from years of firefighting training at Peterson Air Force Base. This is the third forum held by the EPA across the country in recent weeks. The idea is to learn about the impact PFC's are having in affected communities and how the agency can help better address the problem. "What we learn today will be developed into a national action plan which will outline what changes may happen next," said Sarah Bahram, the EPA's director of safe drinking water.

The Daily Caller: EPA Calls Freakout Over Asbestos Rule Fake News

The EPA is pushing back against numerous "inaccurate" media reports claiming the agency is etching out new rules effectively legalizing all forms of asbestos production. Multiple reports suggesting the agency is giving manufacturers the go-ahead with asbestos production appears to be grossly overblown, according to the federal registry. The EPA is tightening regulatory scrutiny on new uses of the chemical, which is heavily restricted but not banned in the U.S. "The press reports on this issue are inaccurate," EPA spokesman James Hewitt told The Daily Caller News Foundation. "Without the proposed Significant New Use Rule (SNUR) EPA would not have a regulatory basis to restrict manufacturing and processing for the new asbestos uses covered by the rule."

The Argus Observer: EPA to oversee state's injection wells program

Idaho's oil and gas industry may soon have a lower-cost option for disposing of production wastewater. On July 30, the Environmental Protection Agency issued its final rule transferring primacy for Idaho's Class II Underground Injection Control (UIC) program to EPA. Idaho formally requested the transfer last year. Until now, Idaho producers have been unable to apply for a permit to inject their wastewater, which typically involves utilizing a well that was drilled for gas and oil production. After the state legislature removed a ban on Class II injection wells in 2013, the Idaho Department of Water Resources failed to receive EPA approval of the state's program for Class II wells. Finally, IDWR asked EPA to assume that regulatory role for Idaho.

National News Highlights 8.8.18

Reuters: U.S. Congressman Collins, son charged with insider trading

Christopher Collins, a Republican U.S. congressman from New York who was one of President Donald Trump's earliest supporters, was criminally charged on Wednesday with taking part in an insider trading scheme involving an Australian biotechnology company on whose board he served. The indictment came as Collins, 68, was seeking a fourth two-year term in November's elections, where Democrats hope to recapture the House of Representatives. "These charges are a reminder that this is a nation of laws, and that everybody stands equal before the bar of justice," U.S. Attorney Geoffrey Berman said at a news conference in Manhattan.

Politico: U.S. sanctions Russia over nerve agent poisoning

The Trump administration will hit Russia with new sanctions over the attempted assassination in Britain of a former Kremlin spy. The State Department made the announcement Wednesday after concluding on Aug. 6 that Russia used a banned nerve agent, Novichok, to try and kill the ex-spy, Sergei Skripal, according to spokeswoman Heather Nauert. Nauert said a U.S. investigation found Moscow had "used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals." Skripal, a retired Russian military intelligence officer, and his daughter, Yulia Skripal, were found unconscious in the English city of Salisbury on March 4. United Kingdom authorities said the two had been poisoned with a nerve agent that they believed was produced in Russia.

ABC News

EPA officials say rule would close the door on asbestos

<https://abcnews.go.com/US/activists-epa-rule-ban-asbestos/story?id=57090547>

By Stephanie Ebbs, 8/8/2018

The Environmental Protection Agency is moving forward on a proposal that would require companies to get EPA approval to manufacture and import asbestos, a move that officials say would "close the door" on uses for asbestos that could resume at any time under the current law.

A rule proposed by the EPA says the agency has identified several areas where asbestos is no longer used, such as roofing materials, and would require that any company that wants to manufacture or import asbestos for that purpose has to notify the agency at least 90 days in advance.

The uses for asbestos that the rule covers are not illegal. The EPA has banned some uses for asbestos, like spray-on insulation, but a ban on most products that contain asbestos proposed in 1989 was later overturned by a federal appeals court.

Many companies voluntarily stopped using the products, but Nancy Beck, deputy assistant administrator in the EPA chemical safety office, said without the rule they could start using them again at any time.

"We're really closing the door on those uses that are not happening now, but there's nothing preventing them from starting," Beck told ABC News.

Beck said that even though asbestos is no longer used for things like floor tiles, wrapping pipe, or roofing materials there is nothing to stop companies from resuming using those materials that include asbestos at any time.

"If somebody wanted to start doing it there's nothing preventing them. So we wanted to sort of look at the whole landscape and make sure that if anyone started a use we would be able to evaluate it," she said.

But advocates say the rule still opens the door to give some companies that approval and that the EPA should ban asbestos completely because of the health risks.

Breathing asbestos can increase the risk of lung cancer, according to the Centers for Disease Control, and people who work with asbestos are even more likely to develop lung problems. A campaign by the Environmental Working Group says that between 12,000 and 15,000 Americans die from asbestos-related illnesses every year.

That group also pointed out last month that a Russian company that is one of the world's biggest asbestos producers stamped President Donald Trump's face on its palettes of asbestos and posted on Facebook thanking him and former EPA administrator Scott Pruitt for excluding some uses of asbestos from the agency's risk assessment. Melanie Benesh, legislative attorney for the Environmental Working Group, said the EPA is not considering the impact of exposure to asbestos from old buildings or health effects other than cancer in its analysis under the toxic chemicals law passed in 2016. She said the EPA is behind other developed countries by not banning asbestos and that its a "very big public health concern" if the agency is limiting the scope of its risk evaluation in a way that makes it more likely to find less risk associated with asbestos.

"Asbestos is a carcinogen regardless of whether it's in building material that was installed 40 years ago or whether it's in a newly manufactured product," she said. "Cancer doesn't distinguish between these two uses so when EPA is evaluating asbestos we think they should take a comprehensive look."

On Tuesday, Chelsea Clinton tweeted an article about the EPA proposal in The Architects Newspaper that reported the EPA rule allowed asbestos in construction materials, which EPA spokesman James Hewitt said was inaccurate, commenting that the Trump administration is "making asbestos great again."

Asbestos Disease Awareness Organization President Linda Reinstein tweeted that the proposal was "shocking" and "disgusting" and said it would increase asbestos imports to the U.S.

EPA officials pushed back on this criticism, saying that the chemical law passed in 2016 requires them to go through a risk evaluation process before they completely ban chemicals like asbestos. They said the rule does not encourage asbestos use at all but puts a rigorous review process in place where there previously wasn't any regulation.

"The uses that are covered in the significant new use rule can come to market prior to the SNUR being proposed at any time with no knowledge, no evaluation," Charlotte Bertrand, acting principal assistant administrator in the EPA chemical office told ABC News. "The SNUR prohibits that from happening, it cannot happen, and if somebody did want to go to market they have to notify the EPA and EPA evaluates the use that is being proposed for human health, public health, and environmental risk, and then it enables an opportunity to impose restrictions, prohibit, or limit a use that could happen now."

The full text of the EPA rule proposed on June 1 [is available here](#) for public comment until Aug. 10.

The Hill

EPA pushes back on asbestos criticisms

<http://thehill.com/policy/energy-environment/400966-epa-pushes-back-on-asbestos-criticisms>

By Timothy Cama, 8/8/2018

The Trump administration is pushing back against a rash of criticism that new Environmental Protection Agency (EPA) policies could lead to the import or manufacturing of asbestos.

The controversy stems from a June 1 proposal that sought to require companies to notify the EPA if they planned to import or manufacture various out-of-date uses of asbestos, like roofing felt and floor tile.

It led this week to a firestorm, with news stories, denunciations and well-known figures like Chelsea Clinton and Sen. Brian Schatz (D-Hawaii) charging that the EPA is opening the door to asbestos — something the agency strongly refutes.

The EPA is pushing back with a PR blitz through interviews, social media and a fact sheet.

Nancy Beck, a deputy associate administrator in the EPA's chemical safety office, characterized the proposal, dubbed a significant new use rule (SNUR), as a ban, since the EPA would evaluate the risk before any manufacturing or imports are allowed and stop it if needed.

"By doing the SNUR, if someone wants to start the manufacturing and processing, if we find risk, we can prevent it," said Beck, who worked at the American Chemistry Council, an industry group, before then-EPA head Scott Pruitt hired her last year.

Nonetheless, health advocates are concerned.

While they don't agree with news reports that have characterized the EPA as opening the floodgates to asbestos, they say that the agency's actions aren't as protective as they should be.

Alongside the June 1 proposal, the EPA proposed a list of uses for asbestos that would go through the risk evaluation process, which can lead to total bans. Advocates want the EPA to include the outdated uses in the risk evaluations, so that they could be banned as well — not just subject to the SNUR process that gives the EPA significant discretion.

"It's reasonably foreseen that a longstanding or significant use of a chemical that has been phased out could reenter commerce if there's no legal bar against it," said Liz Hitchcock, acting executive director of Safer Chemicals, Healthy Families, a coalition of groups advocating for stronger chemical regulation.

EPA's proposal to require notifications for reviving outdated uses is a "decent stopgap tool," Hitchcock said, but "it's not the permanent ban that we need to protect public health."

At the root of the issue is a deep distrust by environmentalists, health advocates and the left of the Trump administration's environmental policies. Former EPA head Scott Pruitt repeatedly sought to ease rules for regulated companies, and Andrew Wheeler, his successor, has pledged to continue the agenda.

It's possible past remarks by President Trump also fueled skepticism about the EPA's intentions.

"If we didn't remove incredibly powerful fire retardant asbestos & replace it with junk that doesn't work, the World Trade Center would never have burned down," he tweeted in 2012. In his 1997 book "Art of the Comeback," he speculated that the mob had led efforts to stop its use.

Asbestos is currently not banned by the federal government, although it is almost never used in ways that would expose people to it. Officials have known for decades that asbestos causes illnesses like lung cancer, mesothelioma and asbestosis.

The EPA tried to implement a sweeping ban in 1989 under the Toxic Substances Control Act. But the industry sued and a court overturned most of the ban.

Asbestos then became the poster child for federal inaction on dangerous chemicals, leading to the near-unanimous passage in 2016 of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, which, among other things, sought to make it easier for the EPA to ban known harmful chemicals.

Recent stories in Fast Company and Architects Newspaper claimed that the EPA's SNUR rule effectively approved the use of the carcinogenic mineral in manufacturing and imports.

"Experts who have looked at [the document] have said that in the end, it pretty much gives EPA discretion to do whatever it wants," Bill Walsh, board president of the Healthy Building Network, told Fast Company.

The reports went viral, spurring the commentary from Clinton, Schatz and others.

That's led the EPA to push back with a PR blitz through interviews, social media and a fact sheet.

The agency says what it's doing on asbestos is the most aggressive federal action against the chemical in decades, carrying out Congress's instructions to significantly reduce exposure to it and ban its uses.

"I'm completely confused by the press that thinks that there's something wrong here. But in many ways, this is a very good news story," said Beck.

As for the calls for more aggressive actions against out-of-date applications asbestos such as roofing and pipeline wrap, EPA argues that it doesn't have the authority to regulate legacy uses of chemicals like asbestos before it knows that they are coming back into use.

"If nobody is manufacturing asbestos for building materials, we have no authority to prohibit it," Beck said, as an example.

Environmental and health groups, led largely by the Environmental Defense Fund, have already filed lawsuits against the EPA over two regulations it wrote to implement the 2016 chemical rule, and they're likely to file more.

CNN

EPA says it's strengthening asbestos regulation, not gutting it

<https://www.cnn.com/2018/08/08/politics/epa-asbestos-regulation/index.html>

By Gregory Wallace and Sara Ganim, 8/8/2018

The Environmental Protection Agency says that, contrary to recent reports, it is moving to close a loophole on asbestos, rather than expand the ways the deadly chemical can be used.

An agency official pointed to two asbestos-related policy announcements made by the agency this summer -- including a rarely-used process called "significant new use rule," or SNUR -- and said they create "a regulatory backstop where none has existed before."

"The SNUR is really a good news story for public health protection," said Nancy Beck, a scientist and the deputy assistant administrator for EPA's chemical program.

Critics of the agency's move say it could have done more, including an outright ban on the use and importation of asbestos.

Beck's comments to CNN followed a series of reports -- including in a business news publication and an architectural trade newspaper -- that the agency was weakening protections on the chemical and was opening up a process for taking applications to use asbestos in more than a dozen ways, such as adhesive, roofing material and floor tile.

While the proposed rule does create that process, Beck pointed out those uses are currently legal -- meaning the regulation actually will restrict the allowable uses of asbestos.

Asbestos occurs naturally, and miners extract its long fibers that have been used to strengthen cement, filter chemicals like chlorine and hold together materials like insulation. Exposure and inhalation is linked to mesothelioma and other cancers. Centers for Disease Control and Prevention data from 2017 shows around 3,000 people die annually of mesothelioma.

EPA regulation of asbestos dates back to a 1970s chemical law and a series of regulations crafted by the agency and other governmental bodies. In 1989, EPA recognized the health hazards and largely banned asbestos, but grandfathered in ways the chemical was still being used at the time. That ban was largely overturned by a federal court. Over the last 30 years, industries -- seeing cancer deaths and the lawsuits that ensued -- largely phased asbestos out of their manufacturing and products.

A 2016 amendment to the 1970s chemical law required the EPA to periodically review chemicals and their hazards, and gave the agency new authority to restrict or ban chemicals. Agency officials then looked at the grandfathered exceptions, determined which are no longer in use and worked to close the loophole, Beck said.

"None of these uses are banned today ... but nothing prevents them from coming back to market," she said, explaining why the EPA took action.

Betsy Southerland, a former EPA scientist who resigned over the Trump administration's leadership of the agency, said the rule was intended to be broader when the bipartisan legislation was crafted during the Obama administration.

"The original plan for the asbestos significant new use rule was for the rule to list the known ongoing uses of asbestos and then state that any other use an industry might want to initiate in the future" would require EPA review, she told CNN.

She said an "open ended" approach would better protect people, because "there is no way EPA can claim to know today every possible new use industry might want in the future."

The Environmental Working Group, which supports a full ban on asbestos, said the agency is not performing a strong enough assessment of the chemical's hazards.

"We're very concerned that EPA is taking a lot of shortcuts in that risk evaluation," said Melanie Benesh, a legislative attorney who works on toxic chemical issues at EWG.

"There is lots of asbestos still out in the environment, particularly in older homes and schools," she said, and the agency's assessment processes does not take into account those legacy uses.

KRDO

EPA hosts forum about contaminated water in Security-Widefield

<https://www.krdo.com/news/colorado-springs/epa-hosts-forum-about-contaminated-water-in-security-widefield/778758857>

By Stephanie Sierra, 8/7/2018

The Environmental Protection Agency held a forum Tuesday night to discuss the per-fluorinated chemicals (PFC's) contaminating the water in Security-Widefield and Fountain.

It's thought the chemicals came from years of firefighting training at Peterson Air Force Base.

This is the third forum held by the EPA across the country in recent weeks. The idea is to learn about the impact PFC's are having in affected communities and how the agency can help better address the problem.

"What we learn today will be developed into a national action plan which will outline what changes may happen next," said Sarah Bahram, the EPA's director of safe drinking water.

"I think we've heard clearly that folks want the EPA to regulate PFC's in drinking water," she said.

Bahram said regulating will require establishing a maximum contaminant limit.

Families from across the state filled the conference room at Hotel Elegante in Colorado Springs.

"I want them to fix whatever they did," said Steve Patterson, who used to live in Security.

Patterson said nearly 20 of his family members who lived in the affected areas now have cancer.

"Everybody in our family that lived in that area ended up with cancer, but everyone who lives outside that area did not," he said.

Unfortunately, Patterson's story is not uncommon. Which is why many people supported the request to regulate a maximum contaminant limit of PFC's in water.

"Water is our life line and once it's polluted ... it's very hard to clean up," said Patience Paisley.

The forum continues Wednesday at 4 p.m. at Hotel Elegante in Colorado Springs.

The Daily Caller

EPA Calls Freakout Over Asbestos Rule Fake News

<http://dailycaller.com/2018/08/08/fake-news-epa-asbestos/>

By Chris White, 8/8/2018

The EPA is pushing back against numerous "inaccurate" media reports claiming the agency is etching out new rules effectively legalizing all forms of asbestos production.

Multiple reports suggesting the agency is giving manufacturers the go-ahead with asbestos production appears to be grossly overblown, according to the federal registry. The EPA is tightening regulatory scrutiny on new uses of the chemical, which is heavily restricted but not banned in the U.S.

"The press reports on this issue are inaccurate," EPA spokesman James Hewitt told The Daily Caller News Foundation. "Without the proposed Significant New Use Rule (SNUR) EPA would not have a regulatory basis to restrict manufacturing and processing for the new asbestos uses covered by the rule."

He was referring to what is called a Significant New Use Rule (or SNUR), a rule forcing manufacturers to notify the EPA if they intend on producing a product with chemicals from asbestos. The industry could produce and use asbestos for any reason save for the SNUR, according to the agency.

Hewitt added: "The EPA action would prohibit companies from manufacturing, importing, or processing for these new uses of asbestos unless they receive approval from EPA." The agency's new administrator, Andrew Wheeler, responded Wednesday with a similar complaint on Twitter.

"There have been some inaccurate media reports regarding @EPA's actions on asbestos," Wheeler tweeted to his followers. "The facts are @EPA is proposing a new rule that would allow for the restriction of asbestos manufacturing and processing of new uses of asbestos."

Online media outlet Fastrack Company reported in a July 31 article that "Trump's EPA has made it easier for companies to begin using asbestos again." The publication's author, Aileen Kwun, went on to highlight what she believes to be a parade of horrors if the agency degrades rules limiting the use of asbestos.

The U.S. restricts the use of the material, but it remains one of few developed nations that has refrained from banning asbestos outright. Activists have long-sought for an outright ban, according to Competitive Enterprise Institute analyst Angela Logomasini.

"A lot of uses of the dangerous types of asbestos were banned," Logomasini told TheDCNF, adding that asbestos containing short-fibers are regularly used to make car brakes and other important products. "The risks of brake failures would be much higher were it not for certain types of asbestos."

She noted that the EPA's SNUR rule make sense considering the considerable risk. "What the EPA is saying is that if you are going to do a new use, you need to come to us to check if it is something that will need tighter restrictions," Logomasini said. "The ones that we use now are very short fibers – doesn't mean they are not dangerous. Just means you can manage their risks easier."

Argus Observer

EPA officials say rule would close the door on asbestos

https://www.argusobserver.com/news/epa-to-oversee-state-s-injection-wells-program/article_2ee8c6f6-9b28-11e8-8719-0bd39f8c1b4d.html

By Rob Ruth, 8/8/2018

Idaho's oil and gas industry may soon have a lower-cost option for disposing of production wastewater.

On July 30, the Environmental Protection Agency issued its final rule transferring primacy for Idaho's Class II Underground Injection Control (UIC) program to EPA. Idaho formally requested the transfer last year.

Until now, Idaho producers have been unable to apply for a permit to inject their wastewater, which typically involves utilizing a well that was drilled for gas and oil production. After the state legislature removed a ban on Class II injection wells in 2013, the Idaho Department of Water Resources failed to receive EPA approval of the state's program for Class II wells. Finally, IDWR asked EPA to assume that regulatory role for Idaho.

According to officials with Idaho's Oil & Gas Conservation Commission (OGCC), Alta Mesa, Idaho's only current producer, has been trucking its wastewater from Payette County to an evaporation facility in Kuna, costing Alta Mesa around \$9 per barrel of wastewater.

At a July 18 town hall meeting in Payette hosted by OGCC, Payette County Commissioner Marc Shigeta, a member of the state oil and gas board, said the company still had plans for construction of its own evaporation facility in the local area.

Although EPA's final rule on the Class II UIC program was still unpublished on July 18, Mick Thomas, administrator for the Oil and Gas Division at the Idaho Department of Lands, told the audience that he believed that the transfer of primacy would indeed occur.

In answer to a question, Thomas and other oil and gas officials couldn't hazard a guess as to how quickly EPA would process applications for injection well permits, however.

EPA held a Jan. 8 public hearing in Boise on the proposed rule revision, a hearing the agency scheduled only in response to a formal request. Members of Citizens Allied for Integrity and Accountability (CAIA), a community group concerned with potential negative impacts from oil and gas drilling operations, were among those who raised issues at the hearing and during the public comment period.

With publication of its final rule, EPA reported having received "414 comments from 387 individual commenters,... Of these comments, only a minority were identified as containing material that was determined to be within the scope of the proposed rule revision," the agency stated.

Reuters

U.S. Congressman Collins, son charged with insider trading

<https://www.reuters.com/article/us-usa-congressman-insidertrading/u-s-says-new-york-congressman-collins-indicted-for-insider-trading-idUSKBN1KT1N1>

By Brendan Pierson, Jonathan Stempel 8/8/2018

Christopher Collins, a Republican U.S. congressman from New York who was one of President Donald Trump's earliest supporters, was criminally charged on Wednesday with taking part in an insider trading scheme involving an Australian biotechnology company on whose board he served.

The indictment came as Collins, 68, was seeking a fourth two-year term in November's elections, where Democrats hope to recapture the House of Representatives.

"These charges are a reminder that this is a nation of laws, and that everybody stands equal before the bar of justice," U.S. Attorney Geoffrey Berman said at a news conference in Manhattan.

Two lawyers for Collins, Jonathan Barr and Jonathan New, said in a statement that they were confident he would be "completely vindicated and exonerated."

The indictment charged Collins, his son Cameron, and Stephen Zarsky, the father of Cameron Collins' fiancée, with securities fraud, wire fraud and other crimes.

"We intend to mount a vigorous defense on behalf of our client," Tom Hanusik and Rebecca Ricigliano, lawyers for Cameron Collins, said in a statement. Amanda Bassen, a lawyer for Zarsky, declined to comment.

All three defendants pleaded not guilty on Wednesday before U.S. District Judge Vernon Broderick in Manhattan, and were expected to be released on bail.

The case relates to Innate Immunotherapeutics Ltd (IIL.AX), where Christopher Collins sat on the board and held a 16.8 percent stake.

Prosecutors said that in June 2017, while attending the congressional picnic at the White House, Collins learned in an email from Innate's chief executive that a trial for its proposed secondary multiple sclerosis drug MIS416 had failed.

According to the indictment, Collins immediately called his son and told him the news. Cameron Collins in turn told his fiancée, her parents and a friend, and Stephen Zarsky went on to tip his brother, his sister and a friend, the indictment said.

Christopher Collins did not trade his own Innate stock, which lost millions of dollars in value, according to the indictment. Prosecutors said the congressman was "virtually precluded" from trading in part because he already faced a congressional ethics probe over Innate.

However, prosecutors said others used the insider information to avoid more than \$768,000 in losses when Innate's share price plunged on news of the drug trial's failure.

Sydney-based Innate did not immediately respond to a request for comment outside business hours.

Collins represents New York's solidly Republican 27th Congressional District, and nonpartisan analysts predict he will win re-election. The district includes areas surrounding Buffalo and Rochester.

Last October, the Office of Congressional Ethics reported that it had "substantial reason" to believe Collins may have used his office to help Innate.

It voted unanimously to send its case to the House Ethics Committee. Collins denied wrongdoing.

Politico

U.S. sanctions Russia over nerve agent poisoning

<https://www.politico.com/story/2018/08/08/russia-sanctions-trump-nerve-agent-poisoning-767536>

By Rebecca Morin, 8/8/2018

The Trump administration will hit Russia with new sanctions over the attempted assassination in Britain of a former Kremlin spy.

The State Department made the announcement Wednesday after concluding on Aug. 6 that Russia used a banned nerve agent, Novichok, to try and kill the ex-spy, Sergei Skripal, according to spokeswoman Heather Nauert.

Nauert said a U.S. investigation found Moscow had "used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals."

Skripal, a retired Russian military intelligence officer, and his daughter, Yulia Skripal, were found unconscious in the English city of Salisbury on March 4. United Kingdom authorities said the two had been poisoned with a nerve agent that they believed was produced in Russia.

Yulia Skripal was released from the hospital in April after being treated for the nerve agent attack. Her father was discharged in May.

The sanctions are expected to take effect on or around Aug. 22.

A State Department official said the Kremlin was notified on Wednesday afternoon about the sanctions, and U.S. allies have also been notified as well.

The conclusion of the U.S. investigation comes several months after U.K. authorities reached a similar conclusion, accusing the Kremlin in April of breaking an international ban on chemical weapons.

The White House has already expelled 60 Russian diplomats from the U.S. over the poisoning.

Wednesday's announcement came several weeks after President Donald Trump held a one-on-one summit with Russian leader Vladimir Putin. Trump was criticized for now pressing Putin aggressive on several issues, such as election meddling, during a press conference after the meeting.

In the weeks since, the Trump administration has organized a briefing of top national security officials to call out Russia's ongoing attempts to spread disinformation in America and the State Department

Trump himself, however, has remained relatively silent regarding Russia's online trolling and had not commented on Twitter as of late Wednesday afternoon about the latest sanctions targeting Russia.

James Hewitt
Environmental Protection Agency
Press Secretary
(202) 578-6141

EPA News Highlights 8.8.18

ABC News: EPA officials say rule would close the door on asbestos

The Environmental Protection Agency is moving forward on a proposal that would require companies to get EPA approval to manufacture and import asbestos, a move that officials say would "close the door" on uses for asbestos that could resume at any time under the current law. A rule proposed by the EPA says the agency has identified several areas where asbestos is no longer used, such as roofing materials, and would require that any company that wants to manufacture or import asbestos for that purpose has to notify the agency at least 90 days in advance. The uses for asbestos that the rule covers are not illegal. The EPA has banned some uses for asbestos, like spray-on insulation, but a ban on most products that contain asbestos proposed in 1989 was later overturned by a federal appeals court.

The Hill: EPA pushes back on asbestos criticisms

The Trump administration is pushing back against a rash of criticism that new Environmental Protection Agency (EPA) policies could lead to the import or manufacturing of asbestos. The controversy stems from a June 1 proposal that sought to require companies to notify the EPA if they planned to import or manufacture various out-of-date uses of asbestos, like roofing felt and floor tile. It led this week to a firestorm, with news stories, denunciations and well-known figures like Chelsea Clinton and Sen. Brian Schatz (D-Hawaii) charging that the EPA is opening the door to asbestos — something the agency strongly refutes.

CNN: EPA says it's strengthening asbestos regulation, not gutting it

The Environmental Protection Agency says that, contrary to recent reports, it is moving to close a loophole on asbestos, rather than expand the ways the deadly chemical can be used. An agency official pointed to two asbestos-related policy announcements made by the agency this summer -- including a rarely-used process called "significant new use rule," or SNUR -- and said they create "a regulatory backstop where none has existed before." "The SNUR is really a good news story for public health protection," said Nancy Beck, a scientist and the deputy assistant administrator for EPA's chemical program. Critics of the agency's move say it could have done more, including an outright ban on the use and importation of asbestos.

KRDO: EPA hosts forum about contaminated water in Security-Widefield

The Environmental Protection Agency held a forum Tuesday night to discuss the per-fluorinated chemicals (PFC's) contaminating the water in Security-Widefield and Fountain. It's thought the chemicals came from years of firefighting training at Peterson Air Force Base. This is the third forum held by the EPA across the country in recent weeks. The idea is to learn about the impact PFC's are having in affected communities and how the agency can help better address the problem. "What we learn today will be developed into a national action plan which will outline what changes may happen next," said Sarah Bahram, the EPA's director of safe drinking water.

The Daily Caller: EPA Calls Freakout Over Asbestos Rule Fake News

The EPA is pushing back against numerous "inaccurate" media reports claiming the agency is etching out new rules effectively legalizing all forms of asbestos production. Multiple reports suggesting the agency is giving manufacturers the go-ahead with asbestos production appears to be grossly overblown, according to the federal registry. The EPA is tightening regulatory scrutiny on new uses of the chemical, which is heavily restricted but not banned in the U.S.

"The press reports on this issue are inaccurate," EPA spokesman James Hewitt told The Daily Caller News Foundation. "Without the proposed Significant New Use Rule (SNUR) EPA would not have a regulatory basis to restrict manufacturing and processing for the new asbestos uses covered by the rule."

The Argus Observer: EPA to oversee state's injection wells program

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National News Highlights 8.8.18

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Politico: U.S. sanctions Russia over nerve agent poisoning

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ABC News

EPA officials say rule would close the door on asbestos

<https://abcnews.go.com/US/activists-epa-rule-ban-asbestos/story?id=57090547>

By Stephanie Ebbs, 8/8/2018

The Environmental Protection Agency is moving forward on a proposal that would require companies to get EPA approval to manufacture and import asbestos, a move that officials say would "close the door" on uses for asbestos that could resume at any time under the current law.

A rule proposed by the EPA says the agency has identified several areas where asbestos is no longer used, such as roofing materials, and would require that any company that wants to manufacture or import asbestos for that purpose has to notify the agency at least 90 days in advance.

The uses for asbestos that the rule covers are not illegal. The EPA has banned some uses for asbestos, like spray-on insulation, but a ban on most products that contain asbestos proposed in 1989 was later overturned by a federal appeals court.

Many companies voluntarily stopped using the products, but Nancy Beck, deputy assistant administrator in the EPA chemical safety office, said without the rule they could start using them again at any time.

"We're really closing the door on those uses that are not happening now, but there's nothing preventing them from starting," Beck told ABC News.

Beck said that even though asbestos is no longer used for things like floor tiles, wrapping pipe, or roofing materials there is nothing to stop companies from resuming using those materials that include asbestos at any time.

"If somebody wanted to start doing it there's nothing preventing them. So we wanted to sort of look at the whole landscape and make sure that if anyone started a use we would be able to evaluate it," she said.

But advocates say the rule still opens the door to give some companies that approval and that the EPA should ban asbestos completely because of the health risks.

Breathing asbestos can increase the risk of lung cancer, according to the Centers for Disease Control, and people who work with asbestos are even more likely to develop lung problems. A campaign by the Environmental Working Group says that between 12,000 and 15,000 Americans die from asbestos-related illnesses every year.

That group also pointed out last month that a Russian company that is one of the world's biggest asbestos producers stamped President Donald Trump's face on its palettes of asbestos and posted on Facebook thanking him and former EPA administrator Scott Pruitt for excluding some uses of asbestos from the agency's risk assessment. Melanie Benesh, legislative attorney for the Environmental Working Group, said the EPA is not considering the impact of exposure to asbestos from old buildings or health effects other than cancer in its analysis under the toxic chemicals law passed in 2016. She said the EPA is behind other developed countries by not banning asbestos and that it's a "very big public health concern" if the agency is limiting the scope of its risk evaluation in a way that makes it more likely to find less risk associated with asbestos.

"Asbestos is a carcinogen regardless of whether it's in building material that was installed 40 years ago or whether it's in a newly manufactured product," she said. "Cancer doesn't distinguish between these two uses so when EPA is evaluating asbestos we think they should take a comprehensive look."

On Tuesday, Chelsea Clinton tweeted an article about the EPA proposal in The Architects Newspaper that reported the EPA rule allowed asbestos in construction materials, which EPA spokesman James Hewitt said was inaccurate, commenting that the Trump administration is "making asbestos great again."

Asbestos Disease Awareness Organization President Linda Reinstein tweeted that the proposal was "shocking" and "disgusting" and said it would increase asbestos imports to the U.S.

EPA officials pushed back on this criticism, saying that the chemical law passed in 2016 requires them to go through a risk evaluation process before they completely ban chemicals like asbestos. They said the rule does not encourage asbestos use at all but puts a rigorous review process in place where there previously wasn't any regulation.

"The uses that are covered in the significant new use rule can come to market prior to the SNUR being proposed at any time with no knowledge, no evaluation," Charlotte Bertrand, acting principal assistant administrator in the EPA chemical office told ABC News. "The SNUR prohibits that from happening, it cannot happen, and if somebody did want to go to market they have to notify the EPA and EPA evaluates the use that is being proposed for human health, public health, and environmental risk, and then it enables an opportunity to impose restrictions, prohibit, or limit a use that could happen now."

The full text of the EPA rule proposed on June 1 is available here for public comment until Aug. 10.

The Hill

EPA pushes back on asbestos criticisms

<http://thehill.com/policy/energy-environment/400966-epa-pushes-back-on-asbestos-criticisms>

By Timothy Cama, 8/8/2018

The Trump administration is pushing back against a rash of criticism that new Environmental Protection Agency (EPA) policies could lead to the import or manufacturing of asbestos.

The controversy stems from a June 1 proposal that sought to require companies to notify the EPA if they planned to import or manufacture various out-of-date uses of asbestos, like roofing felt and floor tile.

It led this week to a firestorm, with news stories, denunciations and well-known figures like Chelsea Clinton and Sen. Brian Schatz (D-Hawaii) charging that the EPA is opening the door to asbestos — something the agency strongly refutes.

The EPA is pushing back with a PR blitz through interviews, social media and a fact sheet.

Nancy Beck, a deputy associate administrator in the EPA's chemical safety office, characterized the proposal, dubbed a significant new use rule (SNUR), as a ban, since the EPA would evaluate the risk before any manufacturing or imports are allowed and stop it if needed.

"By doing the SNUR, if someone wants to start the manufacturing and processing, if we find risk, we can prevent it," said Beck, who worked at the American Chemistry Council, an industry group, before then-EPA head Scott Pruitt hired her last year.

Nonetheless, health advocates are concerned.

While they don't agree with news reports that have characterized the EPA as opening the floodgates to asbestos, they say that the agency's actions aren't as protective as they should be.

Alongside the June 1 proposal, the EPA proposed a list of uses for asbestos that would go through the risk evaluation process, which can lead to total bans. Advocates want the EPA to include the outdated uses in the risk evaluations, so that they could be banned as well — not just subject to the SNUR process that gives the EPA significant discretion.

"It's reasonably foreseen that a longstanding or significant use of a chemical that has been phased out could reenter commerce if there's no legal bar against it," said Liz Hitchcock, acting executive director of Safer Chemicals, Healthy Families, a coalition of groups advocating for stronger chemical regulation.

EPA's proposal to require notifications for reviving outdated uses is a "decent stopgap tool," Hitchcock said, but "it's not the permanent ban that we need to protect public health."

At the root of the issue is a deep distrust by environmentalists, health advocates and the left of the Trump administration's environmental policies. Former EPA head Scott Pruitt repeatedly sought to ease rules for regulated companies, and Andrew Wheeler, his successor, has pledged to continue the agenda.

It's possible past remarks by President Trump also fueled skepticism about the EPA's intentions.

"If we didn't remove incredibly powerful fire retardant asbestos & replace it with junk that doesn't work, the World Trade Center would never have burned down," he tweeted in 2012. In his 1997 book "Art of the Comeback," he speculated that the mob had led efforts to stop its use.

Asbestos is currently not banned by the federal government, although it is almost never used in ways that would expose people to it. Officials have known for decades that asbestos causes illnesses like lung cancer, mesothelioma and asbestosis.

The EPA tried to implement a sweeping ban in 1989 under the Toxic Substances Control Act. But the industry sued and a court overturned most of the ban.

Asbestos then became the poster child for federal inaction on dangerous chemicals, leading to the near-unanimous

passage in 2016 of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, which, among other things, sought to make it easier for the EPA to ban known harmful chemicals.

Recent stories in Fast Company and Architects Newspaper claimed that the EPA's SNUR rule effectively approved the use of the carcinogenic mineral in manufacturing and imports.

"Experts who have looked at [the document] have said that in the end, it pretty much gives EPA discretion to do whatever it wants," Bill Walsh, board president of the Healthy Building Network, told Fast Company.

The reports went viral, spurring the commentary from Clinton, Schatz and others.

That's led the EPA to push back with a PR blitz through interviews, social media and a fact sheet.

The agency says what it's doing on asbestos is the most aggressive federal action against the chemical in decades, carrying out Congress's instructions to significantly reduce exposure to it and ban its uses.

"I'm completely confused by the press that thinks that there's something wrong here. But in many ways, this is a very good news story," said Beck.

As for the calls for more aggressive actions against out-of-date applications asbestos such as roofing and pipeline wrap, EPA argues that it doesn't have the authority to regulate legacy uses of chemicals like asbestos before it knows that they are coming back into use.

"If nobody is manufacturing asbestos for building materials, we have no authority to prohibit it," Beck said, as an example.

Environmental and health groups, led largely by the Environmental Defense Fund, have already filed lawsuits against the EPA over two regulations it wrote to implement the 2016 chemical rule, and they're likely to file more.

CNN

EPA says it's strengthening asbestos regulation, not gutting it

<https://www.cnn.com/2018/08/08/politics/epa-asbestos-regulation/index.html>

By Gregory Wallace and Sara Ganim, 8/8/2018

The Environmental Protection Agency says that, contrary to recent reports, it is moving to close a loophole on asbestos, rather than expand the ways the deadly chemical can be used.

An agency official pointed to two asbestos-related policy announcements made by the agency this summer -- including a rarely-used process called "significant new use rule," or SNUR -- and said they create "a regulatory backstop where none has existed before."

"The SNUR is really a good news story for public health protection," said Nancy Beck, a scientist and the deputy assistant administrator for EPA's chemical program.

Critics of the agency's move say it could have done more, including an outright ban on the use and importation of asbestos.

Beck's comments to CNN followed a series of reports -- including in a business news publication and an architectural trade newspaper -- that the agency was weakening protections on the chemical and was opening up a process for taking applications to use asbestos in more than a dozen ways, such as adhesive, roofing material and floor tile.

While the proposed rule does create that process, Beck pointed out those uses are currently legal -- meaning the regulation actually will restrict the allowable uses of asbestos.

Asbestos occurs naturally, and miners extract its long fibers that have been used to strengthen cement, filter chemicals like chlorine and hold together materials like insulation. Exposure and inhalation is linked to mesothelioma and other cancers. Centers for Disease Control and Prevention data from 2017 shows around 3,000 people die annually of mesothelioma.

EPA regulation of asbestos dates back to a 1970s chemical law and a series of regulations crafted by the agency and other governmental bodies. In 1989, EPA recognized the health hazards and largely banned asbestos, but grandfathered in ways the chemical was still being used at the time. That ban was largely overturned by a federal court. Over the last 30 years, industries -- seeing cancer deaths and the lawsuits that ensued -- largely phased asbestos out of their manufacturing and products.

A 2016 amendment to the 1970s chemical law required the EPA to periodically review chemicals and their hazards, and gave the agency new authority to restrict or ban chemicals. Agency officials then looked at the grandfathered exceptions, determined which are no longer in use and worked to close the loophole, Beck said.

"None of these uses are banned today ... but nothing prevents them from coming back to market," she said, explaining why the EPA took action.

Betsy Southerland, a former EPA scientist who resigned over the Trump administration's leadership of the agency, said the rule was intended to be broader when the bipartisan legislation was crafted during the Obama administration. "The original plan for the asbestos significant new use rule was for the rule to list the known ongoing uses of asbestos and then state that any other use an industry might want to initiate in the future" would require EPA review, she told CNN.

She said an "open ended" approach would better protect people, because "there is no way EPA can claim to know today every possible new use industry might want in the future."

The Environmental Working Group, which supports a full ban on asbestos, said the agency is not performing a strong enough assessment of the chemical's hazards.

"We're very concerned that EPA is taking a lot of shortcuts in that risk evaluation," said Melanie Benesh, a legislative attorney who works on toxic chemical issues at EWG.

"There is lots of asbestos still out in the environment, particularly in older homes and schools," she said, and the agency's assessment processes does not take into account those legacy uses.

KRDO

EPA hosts forum about contaminated water in Security-Widefield

<https://www.krdo.com/news/colorado-springs/epa-hosts-forum-about-contaminated-water-in-security-widefield/778758857>

By Stephanie Sierra, 8/7/2018

The Environmental Protection Agency held a forum Tuesday night to discuss the per-fluorinated chemicals (PFC's) contaminating the water in Security-Widefield and Fountain.

It's thought the chemicals came from years of firefighting training at Peterson Air Force Base.

This is the third forum held by the EPA across the country in recent weeks. The idea is to learn about the impact PFC's are having in affected communities and how the agency can help better address the problem.

"What we learn today will be developed into a national action plan which will outline what changes may happen next," said Sarah Bahram, the EPA's director of safe drinking water.

"I think we've heard clearly that folks want the EPA to regulate PFC's in drinking water," she said.

Bahram said regulating will require establishing a maximum contaminant limit.

Families from across the state filled the conference room at Hotel Elegante in Colorado Springs.

"I want them to fix whatever they did," said Steve Patterson, who used to live in Security.

Patterson said nearly 20 of his family members who lived in the affected areas now have cancer.

"Everybody in our family that lived in that area ended up with cancer, but everyone who lives outside that area did not," he said.

Unfortunately, Patterson's story is not uncommon. Which is why many people supported the request to regulate a maximum contaminant limit of PFC's in water.

"Water is our life line and once it's polluted ... it's very hard to clean up," said Patience Paisley.

The forum continues Wednesday at 4 p.m. at Hotel Elegante in Colorado Springs.

The Daily Caller

EPA Calls Freakout Over Asbestos Rule Fake News

<http://dailycaller.com/2018/08/08/fake-news-epa-asbestos/>

By Chris White, 8/8/2018

The EPA is pushing back against numerous "inaccurate" media reports claiming the agency is etching out new rules effectively legalizing all forms of asbestos production.

Multiple reports suggesting the agency is giving manufacturers the go-ahead with asbestos production appears to be grossly overblown, according to the federal registry. The EPA is tightening regulatory scrutiny on new uses of the chemical, which is heavily restricted but not banned in the U.S.

"The press reports on this issue are inaccurate," EPA spokesman James Hewitt told The Daily Caller News Foundation. "Without the proposed Significant New Use Rule (SNUR) EPA would not have a regulatory basis to restrict manufacturing and processing for the new asbestos uses covered by the rule."

He was referring to what is called a Significant New Use Rule (or SNUR), a rule forcing manufacturers to notify the EPA if they intend on producing a product with chemicals from asbestos. The industry could produce and use asbestos for any reason save for the SNUR, according to the agency.

Hewitt added: “The EPA action would prohibit companies from manufacturing, importing, or processing for these new uses of asbestos unless they receive approval from EPA.” The agency’s new administrator, Andrew Wheeler, responded Wednesday with a similar complaint on Twitter.

“There have been some inaccurate media reports regarding @EPA’s actions on asbestos,” Wheeler tweeted to his followers. “The facts are @EPA is proposing a new rule that would allow for the restriction of asbestos manufacturing and processing of new uses of asbestos.”

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Idaho’s oil and gas industry may soon have a lower-cost option for disposing of production wastewater.

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At a July 18 town hall meeting in Payette hosted by OGCC, Payette County Commissioner Marc Shigeta, a member of the state oil and gas board, said the company still had plans for construction of its own evaporation facility in the local area.

Although EPA's final rule on the Class II UIC program was still unpublished on July 18, Mick Thomas, administrator for the Oil and Gas Division at the Idaho Department of Lands, told the audience that he believed that the transfer of primacy would indeed occur.

In answer to a question, Thomas and other oil and gas officials couldn't hazard a guess as to how quickly EPA would process applications for injection well permits, however.

EPA held a Jan. 8 public hearing in Boise on the proposed rule revision, a hearing the agency scheduled only in response to a formal request. Members of Citizens Allied for Integrity and Accountability (CAIA), a community group concerned with potential negative impacts from oil and gas drilling operations, were among those who raised issues at the hearing and during the public comment period.

With publication of its final rule, EPA reported having received "414 comments from 387 individual commenters,... Of these comments, only a minority were identified as containing material that was determined to be within the scope of the proposed rule revision," the agency stated.

Reuters

U.S. Congressman Collins, son charged with insider trading

<https://www.reuters.com/article/us-usa-congressman-insidertrading/u-s-says-new-york-congressman-collins-indicted-for-insider-trading-idUSKBN1KT1NI>

By Brendan Pierson, Jonathan Stempel 8/8/2018

Christopher Collins, a Republican U.S. congressman from New York who was one of President Donald Trump's earliest supporters, was criminally charged on Wednesday with taking part in an insider trading scheme involving an Australian biotechnology company on whose board he served.

The indictment came as Collins, 68, was seeking a fourth two-year term in November's elections, where Democrats hope to recapture the House of Representatives.

"These charges are a reminder that this is a nation of laws, and that everybody stands equal before the bar of justice," U.S. Attorney Geoffrey Berman said at a news conference in Manhattan.

Two lawyers for Collins, Jonathan Barr and Jonathan New, said in a statement that they were confident he would be "completely vindicated and exonerated."

The indictment charged Collins, his son Cameron, and Stephen Zarsky, the father of Cameron Collins' fiancée, with securities fraud, wire fraud and other crimes.

"We intend to mount a vigorous defense on behalf of our client," Tom Hanusik and Rebecca Ricigliano, lawyers for Cameron Collins, said in a statement. Amanda Bassen, a lawyer for Zarsky, declined to comment.

All three defendants pleaded not guilty on Wednesday before U.S. District Judge Vernon Broderick in Manhattan, and were expected to be released on bail.

The case relates to Innate Immunotherapeutics Ltd (IIL.AX), where Christopher Collins sat on the board and held a 16.8 percent stake.

Prosecutors said that in June 2017, while attending the congressional picnic at the White House, Collins learned in an email from Innate's chief executive that a trial for its proposed secondary multiple sclerosis drug MIS416 had failed.

According to the indictment, Collins immediately called his son and told him the news. Cameron Collins in turn told his fiancée, her parents and a friend, and Stephen Zarsky went on to tip his brother, his sister and a friend, the indictment said.

Christopher Collins did not trade his own Innate stock, which lost millions of dollars in value, according to the indictment. Prosecutors said the congressman was “virtually precluded” from trading in part because he already faced a congressional ethics probe over Innate.

However, prosecutors said others used the insider information to avoid more than \$768,000 in losses when Innate’s share price plunged on news of the drug trial’s failure.

Sydney-based Innate did not immediately respond to a request for comment outside business hours.

Collins represents New York’s solidly Republican 27th Congressional District, and nonpartisan analysts predict he will win re-election. The district includes areas surrounding Buffalo and Rochester.

Last October, the Office of Congressional Ethics reported that it had “substantial reason” to believe Collins may have used his office to help Innate.

It voted unanimously to send its case to the House Ethics Committee. Collins denied wrongdoing.

Politico

U.S. sanctions Russia over nerve agent poisoning

<https://www.politico.com/story/2018/08/08/russia-sanctions-trump-nerve-agent-poisoning-767536>

By Rebecca Morin, 8/8/2018

The Trump administration will hit Russia with new sanctions over the attempted assassination in Britain of a former Kremlin spy.

The State Department made the announcement Wednesday after concluding on Aug. 6 that Russia used a banned nerve agent, Novichok, to try and kill the ex-spy, Sergei Skripal, according to spokeswoman Heather Nauert.

Nauert said a U.S. investigation found Moscow had "used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals."

Skripal, a retired Russian military intelligence officer, and his daughter, Yulia Skripal, were found unconscious in the English city of Salisbury on March 4. United Kingdom authorities said the two had been poisoned with a nerve agent that they believed was produced in Russia.

Yulia Skripal was released from the hospital in April after being treated for the nerve agent attack. Her father was discharged in May.

The sanctions are expected to take effect on or around Aug. 22.

A State Department official said the Kremlin was notified on Wednesday afternoon about the sanctions, and U.S. allies have also been notified as well.

The conclusion of the U.S. investigation comes several months after U.K. authorities reached a similar conclusion, accusing the Kremlin in April of breaking an international ban on chemical weapons.

The White House has already expelled 60 Russian diplomats from the U.S. over the poisoning.

Wednesday's announcement come several weeks after President Donald Trump held a one-on-one summit with Russian leader Vladimir Putin. Trump was criticized for now pressing Putin aggressive on several issues, such as election meddling, during a press conference after the meeting.

In the weeks since, the Trump administration has organized a briefing of top national security officials to call out Russia's ongoing attempts to spread disinformation in America and the State Department

Trump himself, however, has remained relatively silent regarding Russia's online trolling and had not commented on Twitter as of late Wednesday afternoon about the latest sanctions targeting Russia.

Message

From: McFaul, Jessica [mcfaul.jessica@epa.gov]
Sent: 9/13/2019 8:19:50 PM
Subject: WEEK OF SEPTEMBER 16 – EPA COMMUNICATIONS

Importance: High

DRAFT-DELIBERATIVE / SUBJECT TO CHANGE

MESSAGE OF THE WEEK: POLLUTION PREVENTION WEEK

- This week, EPA is celebrating Pollution Prevention Week.
 - Pollution prevention is any practice that reduces, eliminates, or prevents pollution at its source.
- Everyone can be a part of the solution for pollution prevention.
 - Examples include recycling and reducing the use of pesticides and chemicals.
- Between 2011 and 2016, EPA issued \$36.9 million in grants to help American businesses identify, develop, and adopt pollution prevention approaches. These efforts:
 - yielded \$1.4 billion in savings to businesses;
 - reduced the use of hazardous materials by 529 million pounds; and
 - saved 25 billion gallons of water, among many other benefits.
- Visit epa.gov for pollution prevention case studies to see how you can prevent pollution in your home, car or garden.

RELEASES/STATEMENTS/ADVISORY/OPINION

- Tuesday, 9/17: EPA Releases Draft Policy to Reduce Pesticide Testing on Birds
- Tuesday, 9/17: PFAS Grants Announcement (Regions 2, 4, 5, 6, 8 amplify)
- Wednesday, 9/18: Green Chemistry Challenge Awards Nominations (All regions amplify)
- Friday, 9/20: Narragansett Bay WIFIA Loan Closing (Region 1 amplify)
- TBD: WIIN Grant Request for Proposals (All regions amplify)
- TBD: Campus RainWorks Challenge Announcement (All regions amplify)

INTERVIEWS

- TBD

AAW SPEAKING ENGAGEMENTS

- Tuesday, 9/17: American Horticultural Industry Association (Closed Press)
- Thursday, 9/19: House Committee on Science Hearing (Open Press / No Gaggle)

SOCIAL MEDIA*

<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>	<i>Saturday</i>	<i>Sunday</i>
P2 Blog	PFAS Grants	Green Chem	NC DEQ NPS Grant	R.I. WIFIA Loan		
	Bird Testing					

*Posts on flagship EPA and Administrator Wheeler accounts (Twitter, Facebook, Instagram, Linked In, You Tube)

Programs and Regions are encouraged to share as applicable to your audiences. (T) = tentative

REGIONAL ANNOUNCEMENTS

- 9/16: Opportunity Zone event with HUD in Williamsport, PA (R3)
- 9/16: \$80,000+ environmental education grant to Wisconsin Wildlife (R5)
- 9/17: PFAS Grant Announcement (R4)
- 9/17: PFAS grant to Purdue University, Indiana (R5)
- 9/17: Tar Creek Superfund Site Strategic Plan/Tar Creek Environmental Press release (R6)

- 9/17: Public Meeting for Hastings Groundwater Superfund Site Proposed Plan, Hastings, NE (R7)
- 9/17: Amplify PFAS grant announcement (R8)
- 9/19: Allegheny County Sanitary Authority consent decree announcement and Tributary Municipalities Meeting in Pittsburgh, PA (R3)
- 9/19: \$3,682,900 to the State of North Carolina Department of Environmental Quality for NPS (R4)
- 9/19: EPA announces 2019 Gulf Guardian Winner in Texas (R4)
- 9/19: EPA announces 2019 Gulf Guardian Winners in Mississippi (R4)
- 9/19: EPA announces 2019 Gulf Guardian Winners in Louisiana (R4)
- 9/19: EPA announces 2019 Gulf Guardian Winner in Florida (R4)
- 9/19: RA to attend the Des Moines Opportunity Zone Workshop (R7)
- 9/19: Farm to Faucet Event with RA, Centerville, IA (R7)
- 9/20: WIFIA Loan announcement for Narragansett Bay Commission (R1)
- TBD: PR announcing Central NH in attainment for SO2 (R1)
- TBD: Proposed re-designation for Steubenville, Ohio, SO2 non-attainment area (R5)
- TBD: Letter to the Editor (Denver Post) regarding September 10 article on PFAS contamination (R8)
- TBD: Cocopah Tribe resort drinking water order, AZ (R9)
- TBD: Starkist Samoa order in Pago Pago (R9)
- TBD: Western Nevada Green Business recognition (R9)
- TBD: China Lake Naval Air Station RCRA settlement, SoCal (R9)
- TBD: Illegal engine imports settlements, SoCal (R9)

UPCOMING EVENTS OR PROJECTS

- October: Children's Health Month (All regions amplify/host events)
- October 21-25: Lead Poisoning Prevention Week (All regions amplify/host events)

COMMUNICATIONS RESOURCES

- AP Stylebook (public affairs staff writing for media): <https://www.apstylebook.com/epa/>
- EPA Stylebook (i.e. Agency Branding): <https://www.epa.gov/stylebook>
- ***NEW*** OPA Information Hub: https://usepa.sharepoint.com/sites/OA_OPA_HQ

Jessica McFaul

Senior Advisor for Strategic and Regional Communications

Office of the Administrator, Office of Public Affairs

U.S. Environmental Protection Agency

mcfaul.jessica@epa.gov

Desk: 202-564-6429

Ex. 6

Message

From: EPA Press Office [press@epa.gov]
Sent: 10/15/2019 6:52:05 PM
To: adm15.arwheeler.email
[adm15.arwheeler.email@epa.gov]
Subject: EPA Issues Supplemental Proposal for
Renewable Fuels Volumes

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EPA Issues Supplemental Proposal for Renewable Fuels Volumes

WASHINGTON (October 15, 2019) — Today, the U.S. Environmental Protection Agency (EPA) issued a supplemental notice of proposed rulemaking seeking additional comment on the recently proposed rule to establish the cellulosic biofuel, advanced biofuel, and

total renewable fuel volumes for 2020 and the biomass-based diesel volume for 2021 under the Renewable Fuel Standard (RFS) program.

Today's notice does not change the proposed volumes for 2020 and 2021. Instead, it proposes and seeks comment on adjustments to the way that annual renewable fuel percentages are calculated. Annual renewable fuel percentage standards are used to calculate the number of gallons each obligated party is required to blend into their fuel or to otherwise obtain renewable identification numbers (RINs) to demonstrate compliance.

Specifically, the agency is seeking comment on projecting the volume of gasoline and diesel that will be exempt in 2020 due to small refinery exemptions based on a three-year average of the relief recommended by the Department of Energy (DOE), including where DOE had recommended partial exemptions. The agency intends to grant partial exemptions in appropriate circumstances when adjudicating 2020 exemption petitions. The agency proposes to use this value to adjust the way we calculate renewable fuel percentages. The proposed adjustments would help ensure that the industry blends the final volumes of renewable fuel into the nation's fuel supply and that, in practice, the required volumes are not effectively reduced by future hardship exemptions for small refineries. Consistent with the statute, the supplemental notice seeks to balance the goal of the RFS of maximizing the use of renewables while following the law and sound process to provide relief to small refineries that demonstrate the need.

EPA will hold a public hearing on Oct. 30, 2019 followed by a 30-day comment period from the date of the hearing to receive public input on these issues. The agency will finalize this action later this year.

For more information, please visit: <https://www.epa.gov/renewable-fuel-standard-program/proposed-volumes-2020-and-biomass-based-diesel-volume-2021>

Today's action fulfills the agreement reached on October 4th, with the White House, EPA, and USDA. Below is the overwhelmingly positive response we received following that announcement:

Cabinet

EPA Administrator Andrew Wheeler: "President Trump's leadership has led to an agreement that continues to promote domestic ethanol and biodiesel production, supporting our Nation's farmers and providing greater energy security. Today's agreement is the latest in a series of steps we have taken to expand domestic energy production and improve the RFS program that will result in sustained biofuel production to help American farmers."

USDA Secretary Sonny Perdue: "President Trump has once again demonstrated that he is a champion for our nation's farmers and rural America. The President recognizes that American farmers are the most productive in the world, and he has found a way to

pursue policy that promotes economic growth and supports our producers. Building on the success of the year-round E15 rule, this forward-looking agreement makes improvements to the RFS program that will better harness the production of our farmers and ensure America remains energy dominant.”

Senate

Senator Joni Ernst (IA): “This is great news for Iowa and rural America. President Trump is following through on his commitment to our nation’s hardworking farmers and biofuels producers. The RFS is essential to the livelihoods of folks across our state, which is why I’ve been fighting tirelessly on behalf of Iowa’s farmers and producers every step of the way and making Iowans’ voices heard throughout this process. Our message was clear: uphold the RFS—15 billion means 15 billion. The president heard that message and has acted on it. The steps outlined today by the administration will help increase demand for our biofuels, provide certainty for farmers and producers for years to come, and ensure that EPA is implementing the RFS as it was written.”

Senator Chuck Grassley (IA): “President Trump listened to the concerns of farmers and biofuels producers and delivered on their behalf... The solution outlined by President Trump, Administrator Wheeler and Secretary Perdue is exactly how the RFS is meant to function according to the law as written by Congress... Maintaining the integrity of the RFS, repealing WOTUS and allowing year-round sales of E15 will all help American agriculture and the rural economy. These are promises made and promises kept by President Trump. President Trump has made clear that he is an ally of corn and soybean farmers as well as ethanol and biodiesel producers. He is fighting for the farmer. This announcement is great news for Iowa, the Midwest and the entire country.”

Senator Deb Fischer (NE): “In my discussions with the president, I fought hard for a fair deal for Nebraska’s farmers and ethanol producer. I thank the president for following through on his commitment to rural America. Today’s announcement means more certainty for families, businesses, and communities across the Good Life.”

Senator Mike Braun (IN): “At my recent townhall meeting in Franklin, Indiana, this issue was top of mind for Hoosier farmers and producers. I worked closely with USDA and the Trump Administration to make sure those concerns were realized here in Washington. This is why I am proud to announce that President Trump kept his promise to Hoosier farmers to ensure the RFS is implanted in a manner consistent with Congressional intent. This agreement to expand domestic energy production is a win for Hoosier farmers, and it comes on the heels of a year-round E-15 decision. Hoosiers will not forget that President Trump is in their corner.”

Governors

Governor Pete Ricketts (NE): “Ensuring RVOs do not go below 15 billion gallons and expanding access to E15 will bolster the RFS and ethanol production at a critical time for our nation’s rural economy, which has been suffering from low commodity prices.

Thank you to President Trump for taking these important steps for ethanol and our great farm families!”

Governor Kim Reynolds (IA): “A robust renewable fuel standard is critical to a healthy ag economy in Iowa and across the nation. We are grateful to President Trump for honoring the federal statute to blend 15 billion gallons of ethanol annually, and allowing existing E10 pumps to deliver E15 fuel, helping drive domestic demand for biofuels. By protecting the RFS, President Trump demonstrated his commitment to rural America and the American farmer.

“Today’s announcement is a reflection of the strong, united front from the renewable fuels industry as well as strong leadership from Senators Chuck Grassley and Joni Ernst. The President clearly heard us when we said 15 billion gallons means 15 billion gallons, and this deal proves it.

“We will never stop fighting for the renewable fuels industry because of its central role in our economy and we appreciate President Trump’s willingness to listen and work with this industry. It is clear, this President remains committed to America’s farmers.”

Governor Doug Burgum (ND): “This agreement strikes a balance for our farmers, ethanol producers and refiners, protecting demand for renewable fuels while still allowing for exemptions for small refineries. We appreciate the administration hearing the concerns of our corn and soybean growers, ethanol producers and other stakeholders and coming up with an agreement that promotes ethanol and biodiesel production, provides market certainty and gives a much-needed boost to our farmers, building on the year-round E15 sales that we pushed for and the president approved earlier this year.”

Governor Kristi Noem (SD): “This is a big win for producers. With expanded ethanol capabilities, producers will see an increased market for their product and improved long-term stability. This move is absolutely critical for South Dakota farmers and ranchers as recent years have seen lower commodity prices and unstable market conditions. Thank you, President Trump, for supporting agriculture.”

Congress

Congressman Roger Marshall (KS-01): “President Trump, Secretary Perdue, and Administrator Wheeler have delivered on their promise to support the renewable fuels industry, make improvements to the RFS program to utilize the production of America’s farmers, and continue America’s energy independence,” U.S. Congressman Roger Marshall, M.D. said. “The renewable fuel industry is not only good for producers and consumers, but also good for our environment. I applaud the work of the USDA and EPA, and look forward to working with the Administration to continue making productive changes to the ethanol and biofuels industry.”

Congressman James Comer (KY-01): “President Trump’s announcement could not have come at a more critical time for farmers and ethanol producers. With the state of the farm economy, any viable market for grain producers is key. I’m proud to support this welcomed news from the Administration, and I look forward to continuing to work with President Trump, Secretary Perdue, Administrator Wheeler, and my colleagues in Congress to see this agreement put into action.” -Congressman James Comer, KY-1

Congressman Sam Graves (MO-06): “Biofuels are a major market for the farmers in my district in North Missouri and today’s announcement is welcome news in what has been a challenging year due to weather,” **said Congressman Sam Graves (MO-06).** “The Renewable Fuels Standard is critical to the farm economy and the President’s proposal will go a long way towards ensuring that it remains strong. I’m thankful that President Trump has listened to our farmers and I’m grateful for his commitment to our rural economy.”

Congressman Rodney Davis (IL-13): “I want to thank the President for working with me to bring parity to farmers in my district, and the ethanol industry as a whole, by addressing the issue of small refinery exemptions. I recently introduced the bipartisan Small Refinery Exemption Fairness Act to address this issue and reobligate gallons lost to these exemptions, and I look forward to seeing the details of this plan that will put us on the right path forward.”

Congressman Mike Bost (IL-12): “This announcement comes at a time when Illinois ethanol producers needed a big win. By maintaining the 15 billion gallon baseline and increasing access to E15, President Trump has shown he is working for American agriculture. Farmers across Illinois’ 12th District will be pleased with this announcement and the security it provides for the Renewable Fuel Standard.”

Congressman Darin LaHood (IL-18): “In Illinois, biofuels drive demand for our corn and soybean farmers, and the announcement by President Trump’s Administration today is a victory for Midwest agriculture and biofuel producers,” stated Rep. LaHood. “This deal ensures that lost gallons from small refinery waivers are accurately accounted and remove barriers to higher biofuel blends. I continually urged this Administration to uphold the original intent of the RFS, and I applaud President Trump and his team for hearing the concerns of Midwest producers and keeping to their promise. I’ll continue to fight for Illinois producers and work with this Administration to bolster our agriculture economy.”

Congressman Don Bacon (NE-02): “Thank you President Trump for working with our farmers and ethanol producers to bring certainty and security to the RFS program. I have long been an advocate for low-carbon biofuels and am hopeful that the finalized rules will unleash ethanol potential, provide transparency for Nebraska farmers and producers, and benefit consumers at the pump across the country.”

Congressman Tom Emmer (MN-06): “I am grateful to the Administration for hearing the concerns of the agriculture community and delivering much-needed results. Biofuels are an integral piece of Minnesota’s economy, and the announcement today will help promote cleaner fuel, energy independence, and greater demand for Minnesota corn and soybeans. This is a clear example that the Trump Administration supports agriculture and rural America, and I applaud their efforts to uphold the integrity of the Renewable Fuel Standard.”

Congressman Steve Watkins (KS-02): “For far too long, the integrity of the Renewable Fuels Standard (RFS) has been severely harmed by the Environmental Protection Agency’s (EPA) misuse of small refinery exemptions (SREs),” said Congressman Steve Watkins (KS-02). So far, nine producers have closed their doors or reduced operations, resulting in the loss of hundreds of jobs for rural communities across the country. With today’s announcement from the EPA and United States Department of Agriculture (USDA), America’s farmers will appreciate President Trump listening to their concerns and his commitment to scaling back regulations and runaway government overreach.

As a leader on renewable fuels issues and a cosponsor of the Small Refinery Exemption Fairness Act, I am thankful for the commitment that the administration has shown to our rural communities and the renewable fuels industry and applaud their decision. This is just another positive step in moving us closer to restoring the integrity and initial intentions of the RFS.”

Congressman Dusty Johnson (SD-AL): “Today’s announcement is a win for South Dakota farmers, ethanol producers and anyone that cares about a strong rural economy and job growth. I’m proud of the coalition of farm-state members that made it clear that we must maintain the integrity of the RFS as Congress intended.”

By maintaining the integrity of the RFS and preventing the abuse of Small Refinery Exemptions (SREs), as well as forward-looking proposals that cut red tape and build biofuel infrastructure, the Administration showed they are committed to rural America.”

State Officials

Lt. Governor Adam Gregg (IA): “Today’s announcement by EPA is welcome news for Iowa farmers and the renewable fuels industry. A strong RFS drives rural prosperity. Thank you to Governor Reynolds, Senator Ernst, and Senator Grassley for your advocacy!”

Iowa Secretary of Agriculture Mike Naig: “This is welcome news for Iowa’s farmers and the renewable fuels industry. President Trump listened to our producers’ concerns and took action to address them. This is what happens when farmers, biofuels producers and government leaders work together to make our voices heard. We are grateful to President Trump for directing EPA to uphold the intent of the Renewable Fuel Standard,

and we look forward to working with EPA and USDA to implement today's announcement. As the number one producer of ethanol and biodiesel in the country, Iowa is proud to lead the nation in reducing our dependence on foreign oil. We will continue to work to restore and build demand for these critical markets for Iowa agriculture."

Stakeholders

Growth Energy: "It's been a long process, but when the chips were down, President Trump delivered for farm families and biofuel producers. This is a victory for rural America, and we are grateful to our champions in Congress, USDA Secretary Perdue, and governors across the heartland who fought to put homegrown energy back on the market. We also thank President Trump for hearing the voices of farmers and biofuel producers and his commitment to finding a solution that will make an immediate difference for rural families.

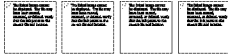
"By accurately accounting for lost gallons from this point forward based on a 3-year average of all exempted gallons, beginning with the 2020 biofuel targets, and breaking down regulatory and infrastructure barriers to higher biofuel blends, we will be able to realize the true potential of the opportunities President Trump opened by approving year-round sales of E15. Our industry and farm suppliers are eager to put this plan in place and deliver more lower-cost, lower-carbon biofuels to American consumers. We look forward to finalizing this rule to help America's farmers.

"To restore growth and revitalize farm income, it's vital that the EPA stay true to the president's promise, and we will be working closely with leaders in Washington to ensure that happens. What matters now is how quickly we can restore demand for U.S. farmers and put biofuel gallons back to work for America's economy."

Dan Nerud, President of the Nebraska Corn Growers Association: "We've been waiting for a reallocation of waived gallons for a long time. To say we were upset with the refinery waivers is an understatement, so today's announcement is welcome news. We're very happy with today's announcement."

David Bruntz, Chairman of the Nebraska Corn Board: "I'm extremely excited with today's announcement. Today's news just goes to show what our growers can achieve when our voices are unified. Thanks to all of Nebraska and our nation's corn farmers who rallied together to ensure we have vibrant corn and ethanol industries for years to come."

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Washington, D.C. 20004

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Message

From: Eby, Natasha [eby.natasha@epa.gov]
Sent: 2/1/2019 5:21:27 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
CC: Molina, Michael [molina.michael@epa.gov]; Humphreys, Hayly [humphreys.hayly@epa.gov]
Subject: Redwood City Talking Points for Call w/Rep. Speier today
Attachments: Redwood City Talking Points.docx

Sir,

Attached are talking points and background for your call with Representative Speier today at 2:30 PM. This is the same material that was provided for your tentative call with Senator Feinstein so you likely have already read it. Troy wanted to be sure you had the materials again for this call. Please let us know if you need anything else.

Thank you!

Natasha

**CARGILL SALT PONDS, REDWOOD CITY, CALIFORNIA-
CLEAN WATER ACT (CWA) JURISDICTIONAL DETERMINATION**

Talking Points:

- The Redwood City site is an industrial salt manufacturing facility that began producing salt over 100 years ago; the site's current borders and plant operations were established by the early 1950s.
- The facility crystalizes salt by evaporation, and levees on the site separate the salt plant from San Francisco Bay.
- The previous administration determined that EPA, not the Corps of Engineers, would decide whether the site contains waters of the U.S.
- EPA has taken nearly four years to make this determination.
- EPA has carefully reviewed the factual circumstances of the site, as well as applicable law and regulations, and intends to issue a final jurisdictional determination.
- Issuing a final jurisdictional determination is EPA's obligation under the law and will provide certainty to the developer and the neighboring community.

Background:

- Prior to development, the Redwood City site was a 1,365-acre area of tidal marsh interspersed with sloughs connected to San Francisco Bay.
- Development of the site into a salt plant began in 1901. By 1951, the current borders and operations of the salt plant were established. Since that time, the plant has continuously produced salt. The levees on the site are configured to move highly saline water through a series of ponds to produce salt and hold residual bitterns. The levees separate the salt production process from San Francisco Bay, except for limited circumstances when water is pumped in or out of the ponds.
- "Fastlands"—wetlands that were converted to dry upland prior to the enactment of the 1972 Clean Water Act—are not considered waters of the United States.
- In 2009, DMB Redwood City Saltworks, a developer, began the process of planning an urban development and tidal marsh restoration project on the site. In May 2012, the developer requested the Corps prepare a final jurisdictional determination of the extent of waters at the Redwood City site that are covered by the CWA and the Rivers and Harbors Act.
- The Corps makes CWA jurisdictional determinations in the nearly all circumstances. However, a 1989 MOU between the EPA and the Corps provides that EPA can designate certain jurisdictional determinations as "special cases" and make the final determination under the CWA on the jurisdictional status of "waters of the United States."
- In March 2015, EPA designated the CWA jurisdictional determination at the Redwood City site as a "special case" under the MOA.

Potential questions and proposed answers:

Q: Why is EPA making this decision, not the Corps?

A: A 1989 MOA between the EPA and the Corps provides that, for purposes of Section 404 of the CWA, EPA may designate certain jurisdictional determinations as “special cases” and make the final determination on the jurisdictional status of potential waters of the United States. In March 2015, EPA designated the CWA jurisdictional determination at this site as a “special case” under the MOA.

Q: Why is the Administrator making this decision, not the Regional Administrator?

A: In March 2018, Administrator Pruitt amended an internal EPA delegation to retain the authority to issue final jurisdictional determinations for special cases. The MOA between EPA and the Corps contemplates that “special cases” are those that present complex facts or novel jurisdictional issues. Thus, it is important for EPA to decide these rare “special cases” in a consistently across the country. The Administrator, with the advice of the Office of Water and the Regional Administrators, is best-positioned to make these decisions.

Q: Why is EPA taking action now?

A: EPA has waited nearly four years to issue a final jurisdictional determination for the Redwood City site. Issuing the determination will provide needed certainty to the site’s owner and developer as well as other stakeholders and the neighboring community.

Q: The site is adjacent to San Francisco Bay—doesn’t this mean it contains waters of the United States?

A: We are conducting that jurisdictional analysis. Levees on the site separate the facility from San Francisco Bay—as they have for at least 70 years—and numerous federal permitting actions authorized development of the site and its separation from Bay waters beginning 50 years prior to passage of the Clean Water Act.

Q: The site has standing water within its boundaries—doesn’t this mean it contains waters of the United States?

A: We are conducting that jurisdictional analysis. The presence of water in an industrial operation does not automatically transform non-jurisdictional land into a water of the United States. Water present at the site is piped in from another plant after processing there and is a component of the plant’s industrial processing activity until ultimately it evaporates or turns into a byproduct.

Q: If you determine that the Redwood City site isn’t subject to the Clean Water Act, does that drastically limit the scope of the Act nationwide?

A: No. The facts of this site are unique, and any decision will be specific to this facility.

Q: Will EPA apply the 2015 WOTUS Rule—currently effective in California—when making this determination?

A: We are aware of the status of the 2015 WOTUS Rule in California and is following all applicable laws and regulations.

Q: Will EPA's action take a position on the proposed redevelopment of the site?

A: No. EPA's jurisdictional determination will reflect the characteristics of the site today and its history. EPA is not weighing in on any potential development of the site any other necessary federal, state, and local permits and approvals.

Message

From: Scott, Corey [scott.corey@epa.gov]
Sent: 10/15/2019 6:13:54 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
Subject: NERO Head Table

(Head Table)

Administrator Andrew Wheeler, EPA

Hannah Simone

Bree Raum, Vice President, American Wind Energy Association (AWEA)

Jay Martin, Vice President of Government Affairs, Contura Energy

Christopher Guith, Senior Vice President, Global Energy Institute, U.S. Chamber of Commerce

Marnie Funk, Senior Advisor, Shell Oil

Michael Brairton, Senior Director of Federal Affairs, Public Service Enterprise Group

Jeff Leahey, Vice President of Government Affairs, National Hydropower Association

Lisa Van Varick, Director of Political Affairs, Nuclear Energy Institute

Message

From: Labbe, Ken [Labbe.Ken@epa.gov]
Sent: 9/13/2019 6:45:08 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips, September 13, 2019

WOTUS

Nebraska leaders respond to WOTUS Repeal

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Toxics

Bill would spend \$100B against lead contamination

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Nebraska leaders respond to WOTUS Repeal

by KHGI

Friday, September 13th 2019

LINCOLN, Neb. — United States Environmental Protection Agency is rolling back the waters of the U.S. rule.

The Trump Administration said this is the first step toward deciding which waters will be under Federal protection.

The previous regulations introduced by former President Barack Obama included streams of wetlands, a move that EPA Administrator, Andrew Wheeler called a "Power Grab."

In response to Obama's regulations, Governor Pete Ricketts said, "The Obama Administration overstepped its legal authority and needlessly burdened states with its 'waters of the United States' rule in 2015.

"This decision removes regulatory impediments to economic growth while preserving our country's commitment to the wise stewardship of water resources," Ricketts stated.

Senator Deb Fischer said, "I have long been an advocate for eliminating the 2015 WOTUS, which represented an unprecedented overreach by the federal government at the expense of families, communities, and businesses."



Senator Deb Fischer

✓@SenatorFischer

I have long advocated for eliminating the 2015 #WOTUS, which represented an unprecedented overreach by the federal gov't at the expense of families, communities & businesses. After years of fighting, I'm pleased to see the admin end this harmful rule: <https://www.fischer.senate.gov/public/index.cfm/news?ID=59800376-A3D4-4522-849C-A5859FBD5FFD> ...

13

5:34 PM - Sep 12, 2019

Twitter Ads info and privacy

16 people are talking about this

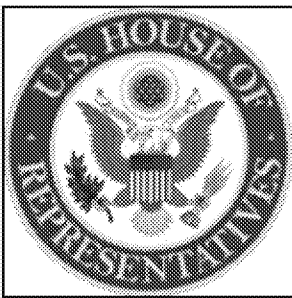
In applauding the WOTUS Repeal, Congressman Adrian Fisher stated, "The repeal of President Obama's overreaching WOTUS rule is great news for our country and gives states back the power to regulate their non-navigable waters, as the law says they should."



Rep. Adrian Smith

✓@RepAdrianSmith

The repeal of Pres. Obama's overreaching WOTUS rule is great news for our country. I have fought this troubling regulation since its inception. I thank @POTUS for his commitment to reining in the federal government and repealing this rule. My statement: <http://bit.ly/2khRnVR>



Smith Applauds WOTUS Repeal

Washington, D.C. — Congressman Adrian Smith (R-NE) released the following statement today after the Trump administration finalized the repeal of the Waters of the United States rule, known as WOTUS:
adriansmith.house.gov

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STATE DEPT. OF ENVIRONMENTAL MANAGEMENT APPLAUDS REPEAL OF OBAMA-ERA WATER RULE

<https://www.wvut.org/2019/09/13/state-dept-of-environmental-management-applauds-repeal-of-obama-era-water-rule/>

• *Posted By: Jeff Smith*

September 13, 2019 @ 8:00 am

The Environmental Protection Agency announced it has finalized its repeal of the Obama-era rule that would have expanded federal protections for smaller water bodies like streams and ponds.

Trump's EPA says the Waters of the United States rule — or WOTUS — was an overreach of the federal government and created confusion for landowners. The agency says its replacement rule will give more power back to the states.

READ MORE: Indiana Blocked Obama's WOTUS Rule, Now The Trump Administration Has Drafted Its Own

"You should feel assured that the regulations in place in the state of Indiana provide for protections of waters of the state of Indiana," says Bruno Pigott, commissioner of the Indiana Department of Environmental Management.

But Indra Frank with the Hoosier Environmental Council says the Obama-era rule was set up specifically because state regulations weren't protective enough.

"This rollback basically says that we can't pollute our big rivers but it's OK to pollute the small streams that flow into the big rivers," she says.

The 2015 rule never went into effect in Indiana. Like about half the states in the country, it was blocked by the courts.

At Thursday's announcement by the EPA in Indianapolis, the state Department of Environmental Management expressed support for the repeal. As did leaders representing home builders, farmers, and the coal industry.

The EPA says the Trump administration has made more than 40 deregulatory actions, saving Americans more than \$3 billion in regulatory costs.

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Trump Admin Repeals Obama-Era Clean Water Protections

<https://www.ecowatch.com/trump-admin-repeals-protections-for-smaller-streams-and-wetlands-2640338564.html>

[Olivia Rosane](#)

Sep. 13, 2019 06:47AM EST

The Trump administration repealed the 2015 Clean Water Rule rule Thursday, a rule intended to protect 60 percent of the nation's waterways from pollution, The New York Times reported.

At stake is the definition of "waters of the United States" under the Clean Water Act. The Obama-era rule expanded that definition from larger bodies of water to include streams and wetlands. Thursday's repeal will return the country to more-limited 1986 water-protection standards, The Washington Post reported. The administration will also announce a new definition within months.

"Today, EPA and the Department of the Army finalized a rule to repeal the previous administration's overreach in the federal regulation of U.S. waters and recodify the longstanding and familiar regulatory text that previously existed," Environmental Protection Agency (EPA) Administrator Andrew Wheeler said in a press release. "Today's Step 1 action fulfills a key promise of President Trump and sets the stage for Step 2—a new WOTUS definition that will provide greater regulatory certainty for farmers, landowners, home builders, and developers nationwide."

Because court rulings have suspended the rule in 28 states, while keeping it in place in 22 others, Wheeler argued that a new rule would provide regulatory certainty across the board.

"We want to make sure that we have a definition that once and for all will be the law of the land in all 50 states," Wheeler told The Washington Post.

But environmental advocates say the repeal will endanger wetland wildlife and national drinking water.

"By throwing out the Clean Water Rule, Andrew Wheeler is acting like the former coal lobbyist that he is, putting the drinking water for one in every three Americans at risk just so he can placate corporate polluters who don't want to be held accountable," Dalal Aboulhosn, Sierra Club's Deputy Legislative Director for Land and Water, said in a statement provided to EcoWatch. "We will fight Wheeler's rollback to not only protect our communities from dangerous water pollution, but also restore order and common sense as to how we go about protecting our water in the future."

Wheeler made the announcement at the headquarters of the National Association of Manufacturers, one of the industry groups that opposed the Clean Water Rule. Critics argued it gave the federal government too much power over the actions of developers and farmers. Farmers were prohibited from planting certain crops near streams or wetlands, or using certain pesticides without an EPA permit, The New York Times explained.

"When you take private property rights from a man who's worked all his life," American Farm Bureau Federation President Zippy Duvall told The New York Times, "that is very intrusive to him and it's something he just can't stand for."

President Donald Trump singled it out for repeal in a Feb. 2017 executive order, in which the President asked the EPA to start a review process that would lead to "the elimination of this very destructive and horrible rule," The Washington Post explained.

Its repeal means that farmers, developers or landowners will no longer need a permit to pollute the streams and wetlands now excluded from protection, according to The New York Times. When finalized, the new Waters of the United States definition is likely to include streams that feed into larger bodies of water and wetlands directly adjacent to them, but exclude streams that run only during rainfall or wetlands not directly connected to larger waterways.

But the 2015 rule was based on a review of 1,200 scientific studies that showed how important these streams and wetlands are to downstream waters, according to The Natural Resources Defense Council (NRDC).

"The Trump administration's wild-eyed attempts to reward polluters knows no bounds, so it is repealing these important protections without regard for the law or sound science," NRDC Director of Federal Water Policy Jon Devine said.

The Clean Water Rule repeal is the latest in a growing number of environmental rollbacks initiated by the Trump administration. Others include the repeals of the Obama-era Clean Power Plan and tailpipe emissions standards. Wheeler said Thursday that the Trump EPA had finalized 46 deregulatory actions, and that an additional 45 were in the works, NPR reported.

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Trump admin takes major step toward ANWR drilling

<https://www.eenews.net/energywire/2019/09/13/stories/1061115433>

Heather Richards, E&E News reporter Published: Friday, September 13, 2019

The Bureau of Land Management advanced a landmark plan to allow the broadest possible oil and gas lease sale in the Arctic National Wildlife Refuge yesterday, moving forward a long-sought approach to potential development in the face of opposition that has brewed for decades.

BLM's **final environmental impact statement** (FEIS) is one of the last steps before the oil and gas leasing program mandated by Congress in the 2017 tax overhaul can yield the first lease sale in ANWR's wilderness.

BLM's preferred option — one of four considered by the agency — offers the largest swath of the coastal plain to industry with the fewest restrictions. If leasing proceeds under that plan, nearly all of the coastal plain's 1.6 million acres would be open for energy leasing, along with provisions that the bureau argues would protect wildlife.

Nevertheless, it drew quick condemnations from drilling opponents who were fresh off a victory on Capitol Hill. The announcement came hours after a bill passed the House repealing the ANWR drilling program. But it is not expected to pass the Senate. President Trump would not sign it (Greenwire, Sept. 12).

BLM Alaska Director Chad Padgett told reporters yesterday that BLM is on track to hold the first oil and gas lease sale by the end of the year. He said offering the full 1.6 million acres for lease offered the proper balance between energy and other resources.

Interior Secretary David Bernhardt said in a tweet late yesterday the BLM review was a milestone "the people of Alaska have been waiting for over 40 years."

But critics accused the Interior Department of using the FEIS to overshadow the House vote.

"It's hard not to be anything but suspect of BLM's rushed announcement," Adam Kolton, executive director of the Alaska Wilderness League, said in a statement.

Sen. Maria Cantwell (D-Wash.) faulted the Trump administration's "sham" environment review in a statement.

The left-leaning Center for American Progress called the plan "seriously deficient" and argued that it "ignored or understates every type of impact that drilling will have."

The center said BLM's stated expectation that oil and gas activity could harm or kill polar bears, without providing an estimate of how many would be hurt, was one example of the review's failings.

The oil industry has long disputed that responsible development in ANWR would have catastrophic effects, noting that just 2,000 acres of long-term disturbance is allowed by Congress.

BLM said its "preferred alternative" would bind oil and gas activities to dozens of "required operating procedures," such as reshaping slopes that have been disturbed or establishing spill response procedures ahead of construction.

In the call with reporters yesterday, Padgett compared operating guidelines for the coastal plain to those in use in the National Petroleum Reserve of Alaska, which lies on the North Slope west of ANWR. A "robust" leasing program could generate an estimated 25,000 jobs and more than \$900 million in annual revenue from drilling in the refuge, he said.

But the BLM director said the preferred alternative would still protect large wildlife with development setbacks at waterways to allow caribou to congregate in areas where there are fewer insects; it would also place limitations on activity during calving season and restrictions on work in known denning areas for polar bears.

Conservation groups contested some of those assertions.

The Center for American Progress said that the preferred plan appears to lack protections for bears, even though the BLM said bears "have been shown to den in the program area with greater frequency than expected."

The proposed leasing program includes about 20,000 acres on the far west side of the refuge where the boundary is under dispute with the state. Former Interior Assistant Secretary Joe Balash, who left the department last month after leading the push to lease in ANWR by year's end, had said that area would not be auctioned if the dispute was unresolved.

Despite its name, the final EIS isn't the final step. The leasing program requires a record of decision, and BLM still needs to issue a call for nominations, where industry can weigh in on the upcoming lease sale.

Rush to lease?

The Trump administration's tight timeline for the planned sale has been criticized by Democrats, conservation groups and Alaska Natives from the Gwich'in tribe.

Documents provided to E&E News, from a public records request by the environmental law firm Trustees for Alaska, show internal pressure at land management agencies to get the analysis done at a rapid clip. *Politico* recently reported that the accelerated pace and the political drive to lease in the refuge had railroaded the findings of some career scientists when critical of development.



A view of Alaska's coastal plain. Department of the Interior

"We're up against so much dishonest and misleading statements. It's hard," said Bernadette Demientieff, executive director for the Gwich'in Steering Committee.

The Gwich'in have cultural ties to the Porcupine caribou herd and depend on those animals for food. Although Gwich'in don't live in the refuge, they have long disputed drilling proponents and Trump administration officials' claims that the caribou herd will be unaffected by industry.

Demientieff said yesterday was a "bipolar" day — from a high of the House vote to end the ANWR leasing program to the low of the afternoon publication of the leasing program's environmental review.

"We don't expect no development," she said. "We are not naive. We understand this is a tough fight."

But it's one she said they intend to keep fighting, hoping for a friendly administration to follow Trump, until permanent protections exist for the coastal plain.

But Alaska's congressional delegation applauded Interior's push for drilling in what represents a historic change for the state's oil and gas industry.

"Alaska has shown time and again, we can responsibly develop our resources, under the highest environmental standards, to grow our state and significantly contribute toward the goal of energy dominance for our country," said Sen. Dan Sullivan (R) in a statement.

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Big battery system inches N.Y. toward green energy goal

<https://www.eenews.net/energywire/2019/09/13/stories/1061115101>

Published: Friday, September 13, 2019

The biggest battery system in New York is now storing electricity at a technology campus north of Albany to help stabilize the state's power grid and reduce carbon emissions.

The 20-megawatt installation of thousands of lithium-ion batteries will store excess power from the grid and release it when needed. The project, by an Albany-based startup called Key Capture Energy, received \$1.3 million from the state as the first recipient of a \$150 million program to help the shift from fossil fuels, according to a statement yesterday.

Gov. Andrew Cuomo (D) plans to have 3,000 megawatts of energy storage installed within 10 years, highlighting the massive investment necessary to wean the state entirely from fossil fuels. The new storage center brings the state just 0.67% closer to that goal.

Key Capture Energy also plans to build a storage project for Consolidated Edison Inc.'s Orange & Rockland utility in Pomona, N.Y. — *Christopher Martin, Bloomberg*

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Environmentalists Threaten Suit As EPA Readies TSCA New Chemicals Plan

<https://insideepa.com/daily-news/environmentalists-threaten-suit-epa-readies-tsca-new-chemicals-plan>

Environmental and labor groups are threatening to sue EPA over how the agency is inadequately releasing information about new chemicals under the Toxic Substances Control Act (TSCA), detailing concerns that they will likely urge the agency to address as it prepares to release a new framework for its new chemicals review process.

Earthjustice's Sept. 3 notice, explains that the groups intend to sue EPA using the citizen suit provisions of TSCA section 20(a) "for EPA's repeated and ongoing failures to comply with TSCA's nondiscretionary mandates to disclose to the public information about new chemical substances reviewed by EPA."

The environmentalist law firm is representing Center for Environmental Health, Environmental Defense Fund, Environmental Health Strategy Center, Natural Resources Defense Council (NRDC), Sierra Club and the United Steelworkers union, according to the notice posted to EPA's website Sept. 11.

The groups' notice follows EPA toxics chief Alex Dunn's statement during a webinar last July that the agency is updating its framework for reviewing applications for new chemicals to enter the commercial market and will release it before hosting a public meeting probably in October.

An earlier version of the new chemicals framework, released in November 2017, was not implemented after NRDC sued the agency over it. NRDC later dropped the suit after EPA officials stipulated the framework had not been placed into use.

At issue is EPA's new chemicals program, which accepts applications from manufacturers for new chemicals they are proposing to release on the commercial market, or new uses of existing chemicals.

New chemicals -- those not on the market when the original TSCA took effect in 1976 -- cannot legally enter the commercial market until EPA reviews and green lights them. Program staff has been challenged by significant changes Congress made to the new chemicals program in its 2016 reform of TSCA, requiring the agency to review all applications and issue written determinations upon each, most notably. These changes were implemented with no phase-in period, resulting in an immediate backlog of reviews when the standards changed overnight.

The backlog has led to a clash of stakeholders. Industry groups have charged that the process has become overly cumbersome and EPA routinely fails to meet the statutory deadline of 90-180 days for pre-manufacture notice (PMN) review, while environmentalists argue that EPA's efforts to speed the process give short shrift to health and safety concerns.

Implementing Regulations

Now, Earthjustice points to TSCA section 5(d)(2), as well as "EPA's implementing regulations mandate that EPA disclose certain information regarding the submission and review of new chemical applications under the PMN and [test marketing exemption (TME)] provisions. For PMNs, EPA must quickly notify the public of its receipt of the PMN (i.e., within five business days of receipt) by publishing a notice in the *Federal Register*, and then must make the PMN and supporting documentation submitted with the PMN available for examination by interested members of the public."

For a subset of new chemicals applications, TMEs, TSCA requires that EPA immediately notify the public of their receipt to allow for public comment.

But the groups argue that "[d]espite the unambiguous language of the statutory provisions and EPA's implementing regulations, EPA routinely fails to disclose the information as mandated by TSCA. Accordingly, EPA has violated and is in ongoing violation of its statutory and regulatory disclosure obligations, and this suit

would seek to restrain those violations under the citizen suit provision of TSCA ... and compel EPA to comply with its nondiscretionary duties to disclose such information.”

They also cite EPA’s 1983 *Federal Register* notice outlining TSCA’s PMN notice requirements and review process, describing the notification requirements as indication that “Congress intended informed citizen involvement in review of new chemical substances ... Public participation cannot be effective unless meaningful information is made available to interested persons.”

The notice cites a host of related issues beyond its concerns over timely notice, including “substantively incomplete” notices; failure “to make the PMNs publicly available for examination by interested persons,” including health and safety data; failure “to make [confidential business information] substantiation documents available for examination by interested persons” and “unlawfully allow[ing] confidentiality claims without the required substantiation documents” among other related issues.

EPA explains of its first concern that statute and regulation state the agency must, when it announces receipt of new PMN applications, describe the toxicity information submitted with the PMN and a list of the tests performed. It argues that “when EPA belatedly publishes notice of receipt of a PMN in the *Federal Register*, EPA does not publish a list or descriptions of the test data submitted with the PMN, despite the fact that the PMN must include such test data to the extent it exists.”

The notice is accompanied by pages of charts of PMNs received, some as far back as 2014, and the dates associated with EPA’s receipt of the PMNs and publication of that notice in the *Federal Register* or on EPA’s website that Earthjustice says are examples of EPA’s failures to follow TSCA and regulatory requirements. --
Maria Hegstad

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Concerns grow over tainted sewage sludge spread on croplands

<https://bangordailynews.com/2019/09/12/news/nation/concerns-grow-over-tainted-sewage-sludge-spread-on-croplands/>

John Flesher and Michael Casey, The Associated Press

LAPEER, Mich. — For more than 20 years, the eastern Michigan town of Lapeer sent leftover sludge from its sewage treatment plant to area farms, supplying them with high-quality, free fertilizer while avoiding the expense of disposal elsewhere.

But state inspectors ordered a halt to the practice in 2017 after learning the material was laced with one of the potentially harmful chemicals known collectively as PFAS, which are turning up in drinking water and some foods across the U.S.

Now, the city of 8,800 expects to pay about \$3 million to have the waste treated at another facility and the leftover solids shipped to a landfill. Testing has found elevated PFAS levels in just one field where the sludge was spread, but farmers have lost an economical fertilizer source and hope more contamination doesn’t turn up.

“I feel bad for them,” said Michael Wurts, superintendent of the waste treatment plant, who ruefully recalls promoting sludge as an agricultural soil additive to growers in the community. “The city didn’t do anything malicious. We had no clue this was going on.”

Lapeer isn’t alone. For decades, sewage sludge from thousands of wastewater treatment plants has been used nationwide as cropland fertilizer. It’s also applied to sports fields, golf courses and backyard gardens.

About half of the 7 million tons generated annually in the U.S. is applied to farm fields and other lands, the Environmental Protection Agency says. While the sludge offers farmers a cheap source of fertilizer, there long have been concerns about contaminants in the material — and attention of late has turned to perfluoroalkyl and polyfluoroalkyl substances, or PFAS.

The city of Marinette, Wisconsin, has stopped distributing sewage waste, also called “biosolids,” to farms after getting high PFAS readings. In Maine, a dairy farm was forced to shut down after sludge spread on the land was linked to high levels of PFAS in the milk.

“It’s been devastating. We kind of get treated like we are criminals,” said Stoneridge Farm’s Fred Stone, whose blood has also tested high for PFAS from what he believes was drinking contaminated water and milk over the years.

The concern is that certain PFAS chemicals, which studies have associated with increased risk of cancer and damage to organs such as the liver and thyroid, could be absorbed by crops grown in soils treated with polluted sludge and wind up in foods. The Food and Drug Administration this year reported finding substantial levels of the chemicals in random samples of grocery store meats, dairy products, seafood and even off-the-shelf chocolate cake, although the study did not mention any connection to sewage waste.

“The FDA continues to work with other federal agencies to identify sources and reduce or eliminate pathways for dietary PFAS exposure including through use of biosolids,” spokeswoman Lindsay Haake said.

The extent of any threat to the food supply is unknown because so little testing has been done, scientists say.

“We don’t have a lot of data but the data we have suggests it’s a problem,” Linda Birnbaum, director of the National Institute of Environmental Health Sciences, said at a recent conference in Boston. “We are finding that there are elevated levels of different PFAS in biosolids. We clearly need more research in this area.”

Studies have documented PFAS absorption by some crops — lettuce, tomatoes and radishes among them — from soils fertilized with sewage byproducts. And the EPA’s inspector general reported last year that the agency was falling short in tracking hundreds of pollutants in sludge, including PFAS.

Yet despite growing evidence that at least some sludge is contaminated, the federal government hasn’t limited PFAS in fertilizer or developed a standard for determining safe levels. That leaves fertilizer companies and farmers wondering what to do and fearful of consumer backlash.

“If you want to destroy agriculture in Michigan, start talking about, ‘Hey, it could be contaminated with PFAS,’” said Laura Campbell, agricultural ecology manager for the Michigan Farm Bureau. “People will see that and say, ‘Oh, we can’t trust them, we’ll buy from elsewhere,’ even though the problem is no worse in Michigan than it is anywhere else.”

Studies going back almost two decades found PFAS in sludge, primarily from industrial wastewater that flows to municipal treatment facilities. Residential sewage is another source — from carpets, clothes and other household items containing PFAS. The grease- and water-resistant compounds, known as “forever chemicals” because they don’t degrade naturally and are believed capable of lingering indefinitely in the environment, also are found in firefighting foam used at military bases and airports.

Evidence of a link between PFAS-laced sludge and food emerged in 2008, when the EPA found elevated levels of several compounds in sludge that a Decatur, Alabama utility had spread on 5,000 acres of farmland. They were detected in nearby waters and vegetation from the fields. The chemicals were traced to several companies that manufactured and used PFAS.

“I’m very concerned about replicating that in other states,” EPA’s Andrew Lindstrom, whose lab ran tests there, said at the Boston conference. Milk from one dairy contained 270 parts per trillion of PFAS — almost four times the agency’s nonbinding health risk level of 70 ppt for PFOA and PFOS, the two best-known chemicals in the class.

An EPA “action plan” in February acknowledged “information gaps” about tainted sludge. It said the agency was developing better detection methods and assessing risks posed by PFOA and PFOS, which no longer are manufactured in the U.S. but remain widespread in the environment.

“We are studying the potential pathways by which PFAS are getting into biosolids and we are researching alternative methods for removing or destroying PFAS in biosolids if analysis indicates that detected levels are of risk and need reduction,” the agency told The Associated Press in a statement.

Advocacy groups say EPA also should look at chemicals developed as replacements for PFOA and PFOS, which studies found accumulate in edible parts of plants.

“At least EPA should require that sludge be tested for PFAS before being applied to farm fields,” said Colin O’Neil, legislative director with the Environmental Working Group.

Its inspector general reported last year that the EPA had identified 352 pollutants, including PFAS, in biosolids. But the report concluded the agency had too little data and other tools to assess their safety. Regulations require testing for only nine pollutants in sludge, all heavy metals.

Several states are examining sewage sludge for PFAS contamination and assessing potential dangers. Maine has enacted a nonbinding advisory level for PFAS in sludge and New Hampshire is working with the U.S. Geological Survey on a soil study whose results will help them set a standard.

Maine also found most biosolids from more than 30 wastewater treatment plants were above the state’s advisory level while neighboring New Hampshire detected PFAS in tests of sludge from two dozen permit holders. Neither state found traceable levels of PFAS in the milk tested.

Based on sludge tests at 41 plants, Michigan ordered several to stop distributing it to farms.

After the state’s environmental department ordered some plants to trace PFAS sent to them, several installed treatment systems that sharply reduced their pollution output, spokesman Scott Dean said.

Among them was Lapeer Plating & Plastics, the automotive chrome manufacturer that caused the Lapeer contamination.

But City Manager Dale Kerbyson said the company has reneged on a promise to help cover Lapeer’s costs of dealing with the pollution and a lawsuit may be coming. “I don’t think the citizens of our city should have to pay for this,” Kerbyson said.

Lapeer Plating & Plastics did not respond to email and phone messages seeking comment.

Although they complain about a lack of government standards, some cities and towns fear strict rules that could force costly infrastructure upgrades or sending sludge to out-of-state landfills. And companies worry they will be put out of business.

“This is the biggest issue that has hit the biosolids recycling profession in North America ever, because of regulatory overreaction,” said Ned Beecher, executive director of the North East Biosolids and Residuals Association.

Companies that manufacture compost — some from sewage sludge — contend tough standards are premature until scientists determine acceptable PFAS levels.

“We don’t want people jumping to conclusions,” said Frank Franciosi, executive director of the U.S. Composting Council. If EPA cracks down on anyone, he said, it should be those who manufacture and use PFAS chemicals that enter the waste stream.

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Can climate advocacy save Ed Markey?

<https://www.eenews.net/eedaily/2019/09/13/stories/1061115363>

Timothy Cama, E&E News reporter Published: Friday, September 13, 2019

Sen. Ed Markey's hopes of fighting off a potential primary challenge from fellow Massachusetts Democrat Rep. Joe Kennedy may hinge on the senator's history as a leading progressive on climate change and energy policy.

Markey, 73, is well known in climate circles as the leading sponsor, along with Rep. Alexandria Ocasio-Cortez (D-N.Y.), of this year's Green New Deal resolution.

His resume of more than four decades in Congress also includes leading roles in setting aggressive car fuel efficiency standards with a 2007 law, the 2009 cap-and-trade bill that passed the House but not the Senate, and the House's Select Committee on Energy Independence and Global Warming from 2007 to 2011.

That's earned him praise — and endorsements in his 2020 reelection campaign — from the Sunrise Movement, the League of Conservation Voters and Sen. Elizabeth Warren (D-Mass.), among others.

But Markey's record might not be enough to fend off a challenge from Kennedy, the 38-year-old four-term congressman and grandson of former Attorney General Robert F. Kennedy.

The gravity of Markey's challenge became clear in a Sunday Suffolk University/*Boston Globe* **poll**. It found that Kennedy would get 35% in a multicandidate primary, 9 points ahead of Markey. If it were just the two of them, Kennedy's lead would widen to 14 points.

Kennedy was ahead of Markey in each age group in the Suffolk/*Globe* poll and in each region of the Bay State.

"The problem for Ed Markey is he's got a really deep hole to dig himself out of, and it's hard to see that he's going to be able to do that," Mary Anne Marsh, a Democratic strategist in Boston, told E&E News.

"For an incumbent United States senator to be behind a first-time challenger is a really hard place to be," Marsh said.

Neither Markey nor Kennedy responded to multiple requests for comment made directly to them in the Capitol, as well as aides.

Kennedy last month confirmed reports he is considering running for Markey's seat, continuing the family tradition of seeking higher offices.

"Thinking about what I have to offer Massachusetts voters, what is most important in this political moment, and what kind of party Democrats need to be building for the future," Kennedy wrote in an Aug. 26 Facebook **post** that did not mention the incumbent.

"I hear the folks who say I should wait my turn, but with due respect — I'm not sure this is a moment for waiting," he wrote. "Our system has been letting down a lot of people for a long time, and we can't fix it if we don't challenge it."

Endorsements



Rep. Joe Kennedy III (D-Mass.). Martin Grondin/Flickr

The rumors and reporting appear to have spurred endorsements for Markey.

"Senator Markey knows that to achieve the unprecedented scale of transformation that the Green New Deal calls for and the climate crisis requires, we will need an unprecedented coalition of workers, young people, and communities on the frontlines of the climate crisis and our broken economy — and that the policies must be designed with those communities at the table shaping them," Varshini Prakash, co-founder of the Sunrise Movement — the main outside backer of the Green New Deal — said in a statement endorsing him.

"There's no better climate change champion in the Congress than Markey, and it's been true for literally decades. He's been in this fight longer than most people were, and he's been continuing that," LCV President Gene Karpinski told E&E News, singling out Markey's role in pushing fuel economy and cap-and-trade legislation.

LCV is working to get Democrats into the White House and leading both chambers of Congress, lining up an opportunity for aggressive climate legislation.

"We need to get stuff done in 2021 with a new president and a better Congress, and Ed will be in the middle of those fights," Karpinski said.

The endorsements showed that the potential primary fight wouldn't be a progressive challenging a Democrat from the left, as has been the case in many high-profile Democratic primaries of late, including Ocasio-Cortez's victory last year over high-ranking Rep. Joe Crowley (D-N.Y.) or Rep. Ro Khanna (D-Calif.) beating Mike Honda in 2016.

In fact, Khanna is among Markey's recent backers. "No voice matters more in the Capitol for our most urgent task — passing bold climate change legislation," the leading progressive said.

Sen. Brian Schatz (D-Hawaii), who chairs the Senate Democrats' Special Committee on the Climate Crisis, cheered Markey and said it would be "very important" for climate policy to have him remain in the Senate, though Schatz declined to weigh in on the race.

"He's been an essential leader this year, last year and for 20 years in this space," Schatz said.

Kennedy, however, does have at least one senator backing his potential campaign. *Politico* reported Wednesday night that Sen. Kyrsten Sinema (D-Ariz.) supports his bid to unseat Markey.

Kennedy is "a fresh thinker who can bring people together to get things done. He will make a terrific U.S. senator, and I couldn't be more proud to support my friend," Sinema said.

'Hair-on-fire moment'

Voters might not actually care much about Markey's climate policies, said John Cluverius, a political science professor at the University of Massachusetts, Lowell.

But the senator's aggressive work on the matter could still give him a boost in what's sure to be one of the toughest campaigns of his life.

"I think the fact that it's engendered him to figures of the progressive left is more important than his issue position," Cluverius told E&E News.

His credentials, he said, are "less valuable than the fact that he's seen as an ally to AOC and other heroes of the insurgent left," noting the widely published photographs of Markey standing at a lectern outside the Capitol with Ocasio-Cortez.

Markey's progressive work isn't limited to climate, however. He's also taken recent actions such as leading a congressional disapproval resolution for the Federal Communication Commission's rollback of net neutrality standards — which passed the Senate last year over the objections of Majority Leader Mitch McConnell (R-Ky.), but failed in the House. He is also an early co-sponsor of the "Medicare for All Act."

But Marsh said Markey has a steep hill to climb. Democratic voters value a candidate with the chops to fight President Trump, and Kennedy wins on that count hands down, she argued.

"In this day and age, in year three of Donald Trump, where no one can do too much to take on Donald Trump and stop him from doing more damage to the country, this is a hair-on-fire moment in politics. And voters in Massachusetts clearly see Joe Kennedy being better to take on Donald Trump in the U.S. Senate than Ed Markey's been able to since he's been there," Marsh said.

"It's less ideological and more performance and style," she continued, noting high-profile actions Kennedy has taken such as leading the fight last year for a Massachusetts ballot initiative to prohibit discrimination on gender identity.

He also starred in a viral video of a 2017 House Energy and Commerce Committee markup, in which he slammed Republicans' Affordable Care Act rollback proposal partly on Christian grounds, including declaring, "There is no mercy in a system that makes health care a luxury."

"He's not only someone who can make the case, but he can get the job done. And that's a powerful combination now when everyone's doing everything they can to stop Donald Trump," Marsh said.

Kennedy's perch in Energy and Commerce has given him a significant platform for battles in areas including health care and technology. But he hasn't taken a starring role in any energy- or environment-related issues, which are also within Energy and Commerce's jurisdiction.

Kennedy hasn't given any timeline for his decision on whether to run, but he has some wiggle room. Massachusetts' filing deadline is in June 2020, and the primary is in September — two months before the presidential election.

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Dems get 1 question on climate, offer 5 answers

<https://www.eenews.net/eedaily/2019/09/13/stories/1061115985>

Jennifer Yachnin, E&E News reporter Published: Friday, September 13, 2019

Candidates vying for the Democratic presidential nomination last night vowed a range of aggressive measures to address the impacts of climate change — ranging from agriculture carbon sequestration to slashing new greenhouse gas emissions, and one new option: handing every voter \$100.

The Democratic field met on stage at Texas Southern University in Houston for the third presidential debate in the 2020 cycle.

During the three-hour session aired by ABC, which focused heavily on education, gun violence, health care and immigration, five candidates fielded the sole question on climate change, when asked what "meaningful action" they would pursue to address its impacts.

Both former Texas Rep. Beto O'Rourke and Minnesota Sen. Amy Klobuchar touted plans to achieve zero greenhouse gas emissions in the next 30 years.

"We will make sure that we get to net-zero greenhouse gas emissions no later than the year 2050, that we are halfway there by 2030, that we mobilize \$5 trillion over the next 10 years to do that," said O'Rourke, who also vowed to invest in "pre-disaster mitigation grants" for communities like Houston that have faced repeated flooding in recent years.

"We're also going to make sure that we free ourselves from a dependence on fossil fuels and embrace renewable wind and solar energy technology as well as the high-paying, high-skill, high-wage jobs that come along with that," O'Rourke added. "And then we're going to pay farmers for the environmental services that they want to provide," such as cover crops, no-till farming and "regenerative agriculture."

Klobuchar vowed to recommit the United States to the Paris climate agreement, reestablish the Obama administration's Clean Power Plan and protect gas mileage standards poised to be rolled back by the Trump administration.

She asserted that her ties to the nation's fly-over country would somehow inspire greater discussion about the environment.

"We have seen a warming in our world like never before; we're seeing flooding in the Midwest, flooding in Houston, fires in the West, and I think having someone leading the ticket from the Midwest will allow us to talk about this in a different way and get it done," Klobuchar said.

Moderators asked Massachusetts Sen. Elizabeth Warren whether climate change should influence foreign policy decisions. She answered in the affirmative.

"We need to work on every front on climate change. It is the threat to every living thing on this planet, and we are running out of time," Warren said. She added, "That means we've got to use all the tools ... [including] regulatory tools."

Warren echoed Washington Gov. Jay Inslee, who recently ended his own Democratic presidential primary bid, stating that she would cut carbon emissions from new construction by 2028, from new vehicles by 2030, and from the manufacture of electricity by 2035.

"We can do this," Warren said. "Why doesn't it happen?" she added. "As long as Washington is paying more attention to money than it is to our future, we can't make the changes we need to make. We have to attack the corruption head-on so that we can save our planet."

California Sen. Kamala Harris used the question to attack her Republican colleagues in the Senate for their "lack of courage" in refusing to act on climate change policies.

"This is a problem that was created by human behaviors, and we can change our behaviors in a way that saves our planet," Harris said.

Although entrepreneur Andrew Yang discussed his proposal for a carbon tax during a CNN-sponsored forum on climate change last week, he did not raise the subject last night — opting instead to use the question to promote his "democracy dollars" policy (*Climatewire*, Sept. 5).

"Why are we losing to the fossil fuel companies? Why are we losing to the gun lobby and the NRA? And the answer is this: We all know ... that our government has been overrun by money and corporate interests," Yang said.

"So what is the answer? The answer is to wash the money out with people-powered money," he said.

He went on to pitch his plan to give every American voter \$100 to spend on "candidates and causes" to wash out "lobbyist cash" from Washington, D.C.

The economy, environmental justice

Although other debate participants did not have a chance to address the climate change question, they did raise the topic, however briefly.

Former Secretary of Housing and Urban Development Julián Castro proposed "unleashing millions of new jobs in the clean energy economy" in his opening remarks as he explained his vision for the future.

Castro, when asked about challenges or setbacks in his life, detailed quitting a law firm job so he could vote in the San Antonio City Council against a land deal he said would be bad for the environment.

Vermont Sen. Bernie Sanders, an independent running in the Democratic primary and a vocal critic of the fossil fuel industry, vowed to "address the catastrophic crisis of climate change and transform our energy system."

Former Vice President Joe Biden said the nation could not "postpone any longer taking on climate change and leading the world in taking on climate change."

New Jersey Sen. Cory Booker raised the issue of environmental justice during a discussion of racism in America.

"We will make sure that systemic racism is dealt with in substantive plans, from criminal justice reform to the disparities in health care to even one that we don't talk about enough, which is the racism that we see in environmental injustice in communities of color all around this country," he said.

Trump remarks



President Trump addressing House Republicans in Baltimore last night. The White House/YouTube

Speaking to House Republicans in Baltimore, President Trump had his mind on the debate, using it to slam wind energy during his remarks.

"If you happen to be watching the Democrat debate and the wind isn't blowing, you're not going to see the debate," said the president.

Trump, during a speech meant to rally GOP lawmakers, repeated remarks against the Paris climate accord and the Green New Deal.

The Trump campaign said Democrats would "kill millions of jobs by ending the fossil fuel industry."

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Senators to launch bipartisan climate caucus

<https://www.eenews.net/eedaily/2019/09/13/stories/1061115301>

Nick Sobczyk, E&E News reporter

Published: Friday, September 13, 2019

Sens. Mike Braun (R-Ind.) and Chris Coons (D-Del.) are teaming up to form a bipartisan climate caucus in the Senate.

The group, set for a formal rollout in the coming weeks and first reported by the *Washington Examiner*, would in some ways be a counterpart to the bipartisan House Climate Solutions Caucus, which grew to nearly 100 members in the previous Congress.

"I mostly want to be there to be in on the conversation, and I consider myself a conservationist," Braun told E&E News.

The caucus is another sign of the changing landscape in the GOP, as Republicans on Capitol Hill increasingly look for favorable climate credentials amid surging voter interest in the issue. But its very existence also calls into question the depth of that change.

Coons has been searching for months for a Republican partner on climate who might be willing to sponsor his carbon tax bill, the "Energy Innovation and Carbon Dividend Act." It's a version of the proposal long pushed by Citizens' Climate Lobby, the group behind the House Climate Solutions Caucus.

In Braun, who ruled out supporting the bill for now, Coons hasn't found a co-sponsor, nor has he found a group of Republicans willing to tackle the issue.

Braun acknowledged that it might be hard to get another Republican to participate in the conversation, and for now, he and Coons remain the only members.

Interest in the House caucus has also waned since last year, when it topped out near 100 members ahead of the 2018 midterm elections.

When the caucus met earlier this year to formally relaunch, just four members showed up, including co-Chairmen Francis Rooney (R-Fla.) and Ted Deutch (D-Fla.) (*E&E News PM*, June 20).

But Braun did suggest he would be open to supporting a carbon tax, as long as it includes input from the fossil fuel industry.

"There are a lot of energy entrepreneurs that believe that's the best way to do it, versus regulation," he said. "And that's something I'm going to investigate further."

'Common ground'

The business side of the climate debate could be an area of mutual interest for Coons and Braun. Coons earlier this year hosted dozens of executives, including from major oil companies, in Washington, D.C., to call for a carbon tax, and the Delaware senator is generally seen as a business-friendly Democrat.

"I've been able to find common ground with a number of my colleagues on proposals that would create a cleaner environment by promoting energy efficiency, supporting renewable energy sources, holding polluters accountable, and spurring innovation," Coons said in a statement.

"I look forward to continuing to work with Senator Braun, our colleagues, business leaders, and others to explore ways in which we can work together to curb the growing impacts of climate change," he said.

The new caucus comes as part of a broader movement. Outright climate science denial has become a relatively rare sight at the Capitol in recent months, and several Senate Republicans have signaled renewed interest in addressing clean energy and climate through the appropriations process.

They include Senate Energy and Water Development Appropriations Chairman Lamar Alexander (R-Tenn.), who has proposed a boost to research spending via a "New Manhattan Project" for clean energy. It's begun to play out, as the Senate Appropriations panel approved another year of record spending for energy research (*Greenwire*, Sept. 12).

Braun, who sits on the Environment and Public Works and Agriculture, Nutrition and Forestry committees, said he's interested in working to prevent the deforestation of carbon sinks around the world.

The chairman of the EPW Subcommittee on Clean Air and Nuclear Safety, Braun has also sponsored legislation to facilitate advanced nuclear reactor licensing, as well as a bipartisan bill aimed at reducing greenhouse gas emissions in the industrial sector.

"Trees are our best carbon capturers, and we're cutting them down in the Amazon, and we're cutting down a lot of forests to produce more soybeans and corn, and those markets are historically low," Braun said.

'Crazy'

The proposed Democratic solutions, on the other hand, are "crazy," Braun said, in an apparent reference to the Green New Deal.

"How would we pay for it?" he asked. "But I still want to be in on the discussion on the things we might agree with, like reforestation across the country and across the world."

Braun said that discussion has to be bipartisan. He noted that Senate Republicans have their own conservation caucus, while Democrats have publicized their climate ideas through their Special Committee on the Climate Crisis.

That panel, led by Sen. Brian Schatz (D-Hawaii), met again yesterday to hear from a group of winter athletes and Protect Our Winters, an organization that warns about the effects of climate change on winter sports and the outdoor recreation industry.

Ben Pendergrass, senior director for government affairs at Citizens' Climate Lobby, said his organization is "super thrilled" with Braun and Coons' leadership and the fact that the Senate now has a bipartisan climate forum.

"I was the only Republican probably willing to have his or her name on a climate caucus, but that's one of the beauties of being an independent thinker," Braun said.

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Enviros sue BLM to block Utah leases over climate reviews

Nina H. Farah, E&E News reporter

Published: Friday, September 13, 2019

A trio of conservation groups is suing the Bureau of Land Management for not providing estimates of the climate impacts of 130 oil and gas leases on public lands in Utah.

The Center for Biological Diversity, Living Rivers and the Southern Utah Wilderness Alliance filed a lawsuit in the U.S. District Court for the District of Utah yesterday saying BLM did not detail the direct, downstream or cumulative climate impacts in environmental assessments of the leases scattered across the state's central and northeast regions.

"They failed to do any environmental review and analysis on greenhouse gas emissions specifically. That is our key claim," said Diana Dascalu-Joffe, senior attorney at CBD.

The agency's lease documents offer various reasons for excluding the information, arguing that analysis of emissions was not possible or not relevant. In some cases, the agency failed to mention greenhouse gas emissions at all, Dascalu-Joffe said.

The lack of emissions data follows a pattern of oil and gas lease sales in the state, as the Trump administration has aggressively pursued its "energy independence" agenda, said Landon Newell, a staff attorney at SUWA.

That approach has gotten pushback from some recent court decisions, which have sent the administration back to the drawing board to redo greenhouse gas emissions analysis required under the National Environmental Policy Act (*Energyswire*, April 29).

The legal challenges also come as the White House Council on Environmental Quality has yet to finalize guidance on how federal agencies should consider greenhouse gases under the 1970 law (*Greenwire*, Aug. 9).

Newell noted that BLM had already opted to pull back leasing decisions in three different instances in Utah this year after facing legal pressure.

"What's frustrating about the current lawsuit we brought, we repeatedly tried to get BLM to understand the issues suffer from the exact same flaw from decisions they already pulled back," Newell said. "I really can't see any other outcome other than BLM is forced to pull back these leasing decisions."

He suggested the Trump administration may move to suspend oil and gas leases in response to the lawsuit, as it had done in response to previous litigation brought by SUWA.

If that occurs, the leases would not be developed and leaseholders would not have to pay BLM while the agency prepared a new NEPA analysis for greenhouse gas emissions.

The conservation groups warn the leases could also have harmful impacts on everything from key habitats for species like black bear, elk and mule deer to ecosystems along the White and Green rivers that feed into the Colorado River.

The full area of the leases covers 175,500 acres of public land in the state.

"It's pretty significant acreage. These are key, beautiful, critical parts of the state where there are virtually untouched wilderness areas," said Dascalu-Joffe. "The full-fledged, unleashed policy of the Trump administration to lease everything, everywhere, all the time is irresponsible and we believe, in this case, unlawful."

BLM does not comment on pending litigation.

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New differences emerge over energy, environment spending

George Cahlink, E&E News reporter

Published: Friday, September 13, 2019

Despite this summer's budget accord, a fresh partisan split over spending levels and the threat of contentious policy riders signals that federal agencies might still wait awhile to get new fiscal 2020 dollars.

The Senate Appropriations Committee approved allocations yesterday for the 12 annual bills that fund government in a party-line vote.

It included \$48.9 billion for the Energy and Water bill, a 5% increase over a House-backed plan, and \$35.8 billion for the Interior-EPA measure, a 4% decrease over the House version.

Not only will the two chambers need to resolve those differences, but Senate Democrats could block calling up any spending bills, which would require a bipartisan, 60-vote majority, if they want to try to press for more or less spending.

The differences over allocations make it all but certain a large chunk of the federal government will spend at least the first months of the new fiscal year that begins Oct. 1 operating under level funding as lawmakers negotiate final bills.

Leaders in both chambers expect to vote on a stopgap spending measure, or continuing resolution, in the coming weeks to avert a shutdown by funding government through at least Thanksgiving.

Several lawmakers said it was frustrating the parties are split over allocations after reaching a bipartisan deal to increase overall discretionary spending by more than \$300 billion over the next two years.

	Fiscal 2019 enacted	Fiscal 2020 House	Fiscal 2020 Senate
Agriculture	\$23 billion	\$24.3 billion	\$23.1 billion
Commerce-Justice-Science	\$64.1B	\$66.39B	\$70.8B
Defense	\$606.5B	\$622.08B	\$622.5B
Energy-Water	\$44.6B	\$46.41B	\$48.9B
Financial Services-General Government	\$23.4B	\$24.55B	\$24.2
Interior-EPA	\$35.6B	\$37.27B	\$35.8B
Homeland Security	\$49.4B	\$49.7B	\$53.2B
Labor-Health and Human Services- Education	\$178.1B	\$189.87B	\$178.3B
Legislative Branch	\$3.9B	\$4B	\$5.1B
Military Construction-Veterans Affairs	\$99.7B	\$105.21B	\$104.8B
State-Foreign Operations	\$46.2B	\$48.38B	\$47B
Transportation, Housing and Urban Development	\$71.1B	\$75.77B	\$74.3B

House and Senate appropriations committees

"The time for haggling over terms of the budget agreement has passed," said Senate Appropriations Chairman Richard Shelby (R-Ala.). "The time for us to get our work done is running short."

Senate Democratic appropriators opted to offer their own allocations, which failed yesterday on a party-line vote. A major difference was scrapping \$5 billion for building a border wall and moving those dollars to domestic agencies, including for increased infrastructure spending.

"Given the limited federal dollars we have," said top Senate Democratic appropriator Patrick Leahy of Vermont, "we should not be allocating \$5 billion for an ineffective wall that was based on a cynical campaign promise."

Shelby delayed votes that originally had been scheduled for yesterday on the State-Foreign Operations and Labor-Health and Human Services-Education spending bills after Democrats threatened to force votes on abortion-related policy riders.

He argued those "poison pill" riders violated a nonbinding agreement made this summer to keep controversial provisions off the appropriations legislation.

Senate Democrats said they were able to attach those same riders in recent years but were blocked this time around because Senate Republicans, for the first time in a decade, face conference talks with House Democrats, who also support the provisions. Shelby and Leahy said they are continuing to talk about ways around the impasse.

Lawmakers did pass both the Defense and Energy-Water spending bills for fiscal 2020 yesterday, after approving the allocations.

Shelby said those bills could move to the Senate floor next week, although Democratic cooperation is not certain. While the Energy-Water bill got bipartisan backing, the Defense bill advanced along party lines.

Senate appropriators are tentatively expected to mark up the Interior-EPA spending bill the week of Sept. 23.

"Gotta have a good attitude," said Sen. Lisa Murkowski (R-Alaska), the chairwoman of the Senate Interior and Environment Appropriations Subcommittee, when asked yesterday if she was worried her bill would become bogged down in funding and rider fights.

She called it a "big success" that the panel had been able to move two of its larger bills.

Sen. Tom Udall (D-N.M.), the Interior and Environment panel ranking member, said both parties were making a bipartisan effort to move the Interior-EPA bill in two weeks, but he conceded the markup could "slide" to a later date.

"We always need to worry about poison pills," he added.

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Senate appropriators rebuke renewables office over staffing

<https://www.eenews.net/energywire/2019/09/13/stories/1061115275>

Kelsey Brugger and Jeremy Dillon, E&E News reporters Published: Friday, September 13, 2019

Senate appropriators yesterday criticized the Department of Energy's renewable and efficiency office for reducing staff at a time when congressional funds have increased.

The statement was included as part of the fiscal 2020 Senate Energy-Water appropriations bill, which moved out of the Senate Appropriations Committee on a 31-0 vote.

"The Committee is concerned with the reduction of staff in [the Office of Energy Efficiency and Renewable Energy]; there has been a reduction of approximately 90 full-time equivalents since 2017, a reduction of 14 percent," the committee said in the spending bill report. "Meanwhile, funding levels have increased by \$289 million, or 14 percent."

"In addition," the report continued, "rather than using available funds to hire the federal staff needed to responsibly manage a growing portfolio, the committee is aware that funds are being used to pay general overhead expenses, a change in historic practice."

DOE did not respond to a request for comment about the Senate language.

In fiscal 2017, EERE had 680 full-time equivalent employees, according to budget documents. A DOE official said earlier this week that the average full-time equivalent count in 2017 was 660.

The office during the Obama administration had a plan to bring about 700 employees on board, former DOE officials said. As of recent weeks, the number of EERE employees has dropped to about 550, they said.

The DOE official did not dispute the 550 figure for EERE but wrote in an email that the department is working to fill the vacant positions.

"Our appropriation from Congress supports about 625 full time staff, which we are striving to reach and sustain that number of personnel," the official wrote.

Currently, EERE has a total of 87 "approved hiring actions in process," including a recently approved package of 64 hires. Of those, 72 were external postings and 15 were internal promotions, the official wrote. In addition, the department is in the process of finalizing selections on 25 positions, and human resources is working to finalize actions on eight positions where selections have already been made.

"We are continuing to work with [Human Capital] on the remaining 54 actions which are in various stages of pending a vacancy announcement," the official wrote. "EERE is also continuing to submit new positions for approval on a monthly basis as new vacancies are identified."

Currently, the department's website says, "There are no position vacancies at this time."

The Senate's fiscal 2020 spending bill directs DOE to conduct a report 30 days after enactment "on a plan for reaching staffing level of not less than 650 full-time equivalents within the first half of fiscal year 2020."

EERE, a \$2.4 billion office, supports clean energy technology research and development. It also oversees the nation's energy efficiency standards — like the one just repealed for lightbulbs — and includes offices such as solar and wind that dole out grant money for research.

Senate appropriators are looking to boost that budget to as high as \$2.9 billion, according to the bill report.

Capitol Hill sources and some former DOE officials expressed concern this week that a scaled-down department could have lasting impacts and stymie advancements in clean energy technologies.

"You need talented career staff with deep technical understanding of the field that they are covering in government to oversee the grants that will help support innovation at universities, national labs, and industry and help propel US companies forward with cost effective solutions," wrote former Solar Energy Technologies Office Director Minh Le via text. "Without adequate staffing to oversee that work, it is hard for the government to actively monitor and manage all those awards."

Another former DOE official during the Obama administration said, "The DOE model isn't send the money out the door and never engage with it. You are engaging with researchers to understand the challenges. If you are not doing it then what you are doing with it is compromised."

In addition to the statement about EERE, Senate appropriators recommended the department use available funds to help promote workforce development.

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Bill would spend \$100B against lead contamination

<https://www.eenews.net/eedaily/2019/09/13/stories/1061115309>

Philip Athey, E&E News reporter

Published: Friday, September 13, 2019

Rep. Tim Ryan (D-Ohio) introduced legislation yesterday to spend \$100 billion in an attempt to remove every lead pipe in the country and lead paint from around 7 million homes.

The "Grants for Eliminating the Toxic Hazard of Environmental Lead in Our Towns Act," introduced by the long-shot presidential candidate, would create a grant program through the Department of Housing and Urban Development to help states reduce the use of lead pipes.

The proposal expects states to match at least 10% of funds, which could be used for risk assessments and possible relocation of families.

The bill would require the EPA administrator to create a task force that would focus on how to reduce the amount of lead pipes in private homes.

"The lead in our homes is poisoning our children," Ryan said in a press release. "We cannot allow another generation of Americans to be poisoned by their homes and drinking water. By taking bold action, we can eliminate lead-based hazards wherever they persist."

Ryan is not the only presidential candidate attempting to improve the quality of the nation's drinking water and focusing on lead.

In July, Sen. Kamala Harris (D-Calif.) announced S. 2466, formally introduced Wednesday, that would invest \$250 billion to improve water infrastructure and remove all forms of contamination.

Earlier this week the Senate passed a bill from Sen. Cory Booker (D-N.J.) that would allow states to move money from their Clean Water State Revolving Fund to their Drinking Water State Revolving Fund in order to combat lead (E&E Daily, Sept. 10).

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Ex. 6

From: Sullivan, Melissa [sullivan.melissa@epa.gov]
Sent: 8/26/2019 8:40:07 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily Press Clips 8/26/19

Daily Press Clips
August 26, 2019

Agency

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<https://thehill.com/policy/energy-environment/458605-controversial-husband-and-wife-epa-duo-to-leave-washington>

GreenWire

"Top Official's Move Renews Anger Over Teleworking Limits"

<https://www.eenews.net/greenwire/2019/08/26/stories/1061079955>

Kevin Bogardus

Employees and union officials at EPA are frustrated with the agency's decision to have a top leadership aide work from his home state starting next month.

The move has reignited tensions over a recent contract imposed by EPA management limiting teleworking flexibility for many agency staffers.

Last week, the agency announced Henry Darwin is stepping down as acting deputy administrator Sept. 1 but returning to his original role as assistant deputy administrator, according to an internal email obtained by E&E News. In addition, Darwin will work from an EPA office in Arizona, where he had served in state government as chief operating officer under Gov. Doug Ducey (R) and earlier as director of the Arizona Department of Environmental Quality.

"Given the amount of time he already spends traveling to the regional offices ... his relocation to Phoenix should not impact his ability to help us become even more effective in carrying out our very important mission. In addition, Henry will be here at headquarters on a regular basis," EPA Administrator Andrew Wheeler said in the email to staff sent Friday.

But Darwin's move is causing friction with some in the agency.

The majority of EPA's workforce have recently seen their work schedules upended as management last month imposed a new contract with bargaining unit employees for American Federation of Government Employees Council 238, the agency's largest union. That contract has placed new limits on telework, requiring those staff to report to their work sites four days per week. Many of those employees used to work from home two days a week, using that flexibility to pick up their kids from school and cut down on time spent commuting.

Jeanne Schulze, president of AFGE Local 1003, which represents EPA Region 6 employees, described different treatment for top officials compared with staff at EPA.

"Ironical if he has full-time telework while they gut rank and file's telework," Schulze told E&E News. "More of the same 'do as we say, not as we do,' just in a different package."

She added that EPA told staff in its Houston regional lab that they had to relocate to Ada, Okla., and wouldn't consider reassignments to the main Region 6 office in Dallas.

Others at EPA were unhappy with the announcement about Darwin.

"Henry should eat his own dog food and not be allowed to telework either," an EPA employee said.

In response to criticism of Darwin's relocation to Arizona, EPA spokesman Michael Abboud said, "He doesn't have telework, he has to report to a duty station."

In Arizona, Darwin will work on integrating EPA's "Lean" management system — a set of principles he has long championed to streamline government operations and make them more effective — with the Government Performance and Results Act, the GPRA Modernization Act, and the Foundations for Evidence-Based Policymaking Act, Wheeler said in his email.

Wheeler also announced that Darwin's wife, Veronica Darwin, left EPA on Aug. 9 and has already returned to Arizona to work for the state there. She worked at the agency for more than two years, joining EPA with her husband as a senior adviser in the Office of Land and Emergency Management.

"While at EPA, Veronica managed implementation of the Superfund Task Force recommendations, and led other Administrator priorities like children's health, and the development of the action plan for lead. These key initiatives will remain Administrator priorities, however Veronica's leadership will be greatly missed," Wheeler said.

She already has Arizona state government experience, including having worked at ADEQ, and also served in the EPA Region 9 office.

Wheeler also said that Doug Benevento, formerly the head of EPA Region 8 and now senior counselor for regional management and state affairs, would take on "a senior leadership role" as associate deputy administrator at EPA.

"Along with his other new duties, he will continue to manage the regions and serve in an ombudsman role between the regions and national programs on the implementation of Agency priorities," Wheeler said.

EPA's Arizona office

Some EPA employees were confused by Wheeler's reference to "EPA's Arizona office" in his email, but the agency does have a facility in the state.

Abboud said Darwin's duty station will be Phoenix, where EPA space is located in the Sandra Day O'Connor U.S. Courthouse. The agency has been there since 2012, with its current agreement with the General Services Administration expiring at the end of June 2021, said the EPA spokesman. Abboud also said there is currently one EPA employee in that office.

That location is the Phoenix Resident Office run by EPA's Criminal Investigation Division. That division has special agents stationed in more than 40 locations across the country, keeping them near by to track down environmental crimes.

A former senior EPA enforcement official said the division's Phoenix office could support a top leadership aide like an assistant deputy administrator.

"The space is meant to be used where it can be across the agency to support the broader mission," said the former official. "All the office space is built to GSA specs and can be used to carry out folks' duties, connectivity and otherwise."

Others, however, argued that Darwin's move wasn't based on necessity.

"People are place-based in Arizona when their work requires them to be in Arizona, not just for their personal convenience," said Bethany Dreyfus, president of AFGE Local 1236, which represents EPA Region 9 employees. "People are place-based in EPA field offices when it's needed for their work for the agency."

For example, Dreyfus said, EPA employees working on border issues are often stationed in the agency's San Diego office.

Phoenix and EPA have been brought to attention before under the Trump administration.

Republican donors and Arizona real estate developers met with then-EPA Administrator Scott Pruitt in 2017 to discuss a proposal to have the agency move its Region 9 office from San Francisco to Phoenix. At the time, an EPA spokeswoman said the agency had no plans to do so (*Climatewire*, Oct. 19, 2017).

Travel controversies

Top EPA officials have come under scrutiny for keeping a home far away from their place of work, whether it was headquarters or somewhere else.

In 2016, then-House Science, Space and Technology Chairman Lamar Smith (R-Texas) wrote to EPA questioning travel to Indiana by Janet McCabe, acting air chief at EPA during the Obama administration. McCabe kept her home in Indianapolis and commuted to Washington, D.C., for the workweek. EPA said she paid for all her personal travel (*Greenwire*, Feb. 23, 2016).

Mike Stoker, the EPA Region 9 head under the Trump administration, was the subject of a management alert by the agency's inspector general for frequent travel that often kept him away from EPA's San Francisco office, where more than 90% of his staff works. EPA Chief of Staff Ryan Jackson defended Stoker's trips, saying he was expected to travel and be accessible throughout the region (*E&E News PM*, March 21).

Regarding Darwin's relocation to Arizona, several EPA employees said it was special treatment for a top agency official.

"To have his title, he should be doing more than just Lean work," said one. "They talk about the D.C. swamp. They have just replaced it with a satellite office cesspool."

Michigan Public Radio

"Grosse Ile EPA Lab Workers Will Not Move to Ann Arbor Lab, Citing Air Quality Concerns"

<https://www.michiganradio.org/post/grosse-ile-eпа-lab-workers-will-not-move-ann-arbor-lab-citing-air-quality-concerns>

Caroline Llanes

Environmental Protection Agency employees at a Grosse Ile facility will not be returning to work on Monday. The Large Lakes Research Station was closed on Wednesday, despite backlash from local, state, and federal politicians. The Grosse Ile workers were supposed to move to an emissions testing facility in Ann Arbor, but many are concerned about the safety of the facility, as they have yet to receive results from air quality testing. The American Federation of Government Employees, the union representing the workers, requested air quality testing results and were supposed

to receive them on Wednesday, August 21, the date of the Grosse Ile station's closure. Union reps say they have not seen those results at all.

Nicole Cantello is the president of AFGE Local No. 704. She says there has been no transparency between the EPA and the workers as far as the reasons for the move to Ann Arbor, and the results of air quality testing that have been conducted in the facility. "They actually are moving folks into an emissions testing facility. Part of the issue here is that they have not yet certified that the facility is safe for folks to breathe," she said. "We don't really know why they decided to make that move, it doesn't make any sense to us."

U.S. Representative Debbie Dingell (D-Dearborn) represents Michigan's 12th district. She has been publicly fighting the EPA's decision to close the Grosse Ile station. She says she is "disappointed" by the EPA's handling of the situation, particularly in regards to its communication with employees. "They have a contract, so I think EPA has got a responsibility to provide what is guaranteed to them by that contract, to know the workspace these employees are being transferred to meets all air quality standards for a safe work environment," Dingell said. Cantello says the move to Ann Arbor makes no sense in terms of location.

"The lion's share of [workers] are what are called first responders to emergency events. They respond to emergency environmental events. These are things like train derailments, hazardous chemicals," she said. "This is the kind of emergency responder who would know what to do when, say, that train derailment happens. They would go to the site of the derailment, and they'd be able to mobilize very quickly. These are very highly skilled and highly trained employees."

Cantello points out these skills would be more useful in Grosse Ile. "They were closer to Detroit in Grosse Ile, where there are more of these events than there are in the Ann Arbor area," she said. "That's why we thought they were better stationed closer to more densely populated and more industrialized areas. The implications of moving them have not been presented to us in any meaningful fashion."

Dingell agreed, saying the longer drive from Ann Arbor could be problematic in case of an environmental emergency in Detroit. "I think [the Grosse Ile station] is strategically located around the Great Lakes and the Detroit River. The EPA lab Downriver, there's a lot of manufacturing, there's been a lot of chemical spills," Dingell said. "It's an area we want to protect and clean up which is why being geographically closer makes a difference."

Dingell says she intends to keep fighting to keep the plant in Grosse Ile. "I'm not happy about this. I'm not ever going to stop trying to keep this facility strategically located there. The EPA provides very critical resources in terms of protecting our environment, and when you look at what's happened with cleanup at a lot of sites in southeast Michigan, protecting our Great Lakes, protecting our waters and creeks, the EPA plays a critical role. They need to be where the work is." She adds, "the Ann Arbor lab is a great lab. They do very critical work for the auto industry, but this lab has had a different function and priority. Being located by the water you are protecting matters and makes a difference."

Responding to request for comment, an EPA spokesperson provided this statement:

This August, EPA's Michigan-based emergency response staff will be moving from Grosse Ile to new, state-of-the-art office space in Ann Arbor. The move started yesterday and the 20 EPA employees are expected to start working from their new location on Monday. As part of the move, EPA is completing a thorough indoor air quality assessment of the new space and will share the results with AFGE and employees. The functions currently being performed in Grosse Ile will continue after relocation of the field office. EPA is committed to supporting all the communities covered by this field office and does not anticipate any impact on the on-scene coordinators' mobilization capability or response times. Following the November 2015 decision by EPA's Office of Research and Development (ORD) to vacate the property, the Large Lakes Research facility in Michigan was identified as a property under the Federal Assets Sale and Transfer Act

(FASTA), bipartisan legislation that was signed into law in December 2016. FASTA, which passed by voice vote in the House and by unanimous consent in the Senate, requires the Office of Management and Budget and GSA to identify opportunities for the Federal Government to reduce its inventory of civilian properties.

Since the 1970s, EPA has operated out of what was the Grosse Ile Naval Air Station. Although the Grosse Ile facility once housed EPA's Large Lakes Research Station and staff from NOAA and FWS, the building is now largely vacant and in need of costly renovations. Moving to Ann Arbor – to space shared with EPA's National Vehicle and Fuel Emissions Laboratory – will save the agency more than \$500,000 per year.

Bloomberg Environment

"Ex-EPA, Climate Czar Browner Shifts to Scooter Sustainability"

<https://news.bloombergenvironment.com/environment-and-energy/ex-epa-climate-czar-browner-shifts-to-scooter-sustainability>

Stephen Lee

Carol Browner may no longer be in the White House or the EPA, but she's still engaged in the climate change fight—now, literally on the streets.

Browner, the longest-serving Environmental Protection Agency chief in history and more recently President Barack Obama's climate czar, now spends a good chunk of her time advising scooter-share company Lime on how to shrink its carbon footprint.

"Micro mobility is one of the important pieces of how we combat climate change," Browner told Bloomberg Environment. "It's about getting people out of cars and thinking about how we manage our cities and communities." Since coming on board in December 2018 as an adviser, Browner helped Lime craft a plan for using 100% renewable energy to charge its global fleet of scooters and electric bikes, mostly by buying renewable energy certificates, said Andrew Savage, the company's vice president of sustainability.

The company has now hit that goal, even for the "juicers" who pick up scooters, charge them at home, and return them to the street, according to Savage. To date, Lime has bought more than 3,600 megawatt-hours of wind, solar, and small-scale hydro energy, he said.

"Carol advised on the strategy, and she gave us confidence that the approach we were taking was the correct approach," Savage said.

Browner isn't being paid for her advisory work, but has taken an equity share in the company, Savage said.

How Green Are Scooters?

Browner is also helping Lime develop ways of recycling the scooters' batteries and other equipment to shrink the company's carbon footprint.

Those efforts could help allay claims that e-scooters may have larger total environmental impacts than other types of transportation.

A recent report from North Carolina State University found that about half of a scooter's environmental impacts comes from mining the raw materials and building the devices.

But Jeremiah Johnson, one of the report's co-authors, said making scooters that last longer and have recyclable parts "is a potentially high-value opportunity to reduce these burdens.

"If you can build more robust scooters that allow you to swap out parts more easily, then these scooters look like a two-year scooter, as opposed to one year or less. That can have a really big impact."

Browner also said she wants to help convince local governments that scooters aren't dangerous to the public. Several cities, including Atlanta, Nashville, and Washington, D.C., have taken steps to at least partly ban scooters or limit their speed, usually out of safety concerns.

But balancing those rules can be tricky, Browner said. For example, she said some evidence shows that, if scooters' top speed is throttled down, users are more likely to drive them on the sidewalk than in a bike lane, where they can endanger pedestrians.

"It's complicated," Browner said. "People need to be educated on the benefits of them. But single-occupancy cars are fast becoming the past."

To better understand local concerns, Browner has joined environmental roundtables that Lime has hosted with environmental advocacy groups in cities including New York, Chicago, and Mexico City, Savage said.

'An Incredibly Valuable Brand'

Browner's post-government life also includes being chair of the League of Conservation Voters' board of directors, a position to which she was elected in March 2014.

As chair—a volunteer role—Browner works with LCV's 29 other directors on "everything from fundraising to policy positions we take on specific legislation to which candidates we endorse."

The board is in the process of having "one-on-one fireside chats" with the Democratic presidential candidates, and has met with "eight or nine" candidates so far, Browner said. So far, the group hasn't settled on an endorsement.

"Right now we're just making sure that, as they put out climate plans, that they're serious plans," Browner said. "Not just a commitment, but a knowledge base on these issues. The next president has a significant opportunity, but they will need to hit the ground running."

Browner said she took the LCV job because she thinks it's a good use of her significant clout and high profile.

"I try to use my voice in ways that I think would be the most meaningful," she said. "It doesn't mean engaging in everything that comes along. It means picking and choosing where I can have an impact. Electing people who believe climate change is real, using my voice in that way, is extremely important."

Gene Karpinski, LCV's president, said having Browner on board has helped open doors for the organization.

"It's an incredible benefit to LCV to have her as our chair because she's highly respected and well known, for a whole host of things she's done over her career," Karpinski said. "She's got an incredibly valuable brand, so to speak."

Working With Congress

Browner ran the EPA from 1993 to 2001. She fought congressional Republicans on environmental policies but also worked with the party on amending the Safe Drinking Water Act.

She helped get through a tightening of the Clean Air Act's National Ambient Air Quality Standards.

Under Obama, she served as head of the White House Office of Energy and Climate Change Policy coordinating environment, energy, climate, and other matters. She was a central figure in the 2009 passage of a cap-and-trade bill in the House that ultimately failed in the Senate.

Even some of Browner's ideological foes say they admire her approach to governing, which some have criticized as being too industry-friendly.

"While I disagreed with the environmental policies—like cap and trade—she pushed during her tenure under Obama, I appreciated her approach to working with Congress to try to achieve them," Mandy Gunasekara, a former official in President Donald Trump's EPA. "After she left, the regulatory expansion regime kicked into high gear."

"She's a superb businesswoman," added Wendy Sherman, former undersecretary of state for political affairs in the Obama administration, who co-founded the Albright Stonebridge Group consulting firm with Browner. "She understands corporate America, but she never loses her principles."

CNN

"Nixon Created the EPA in 1970. Today, its a Much Different Agency"

<https://www.cnn.com/2019/08/23/us/epa-evolution-toxic-trump-cnn-special-report/index.html>

Chris Gajilan

Rivers were choked with industrial waste and caught fire. Americans coughed on thick, blackened air.

While some may not remember what life was like before the Environmental Protection Agency's existence, it's impossible for many who experienced it firsthand to forget. Former EPA chief Christine Todd Whitman put it this way: "The country looked like a giant garbage dump."

The air quality was so poor, particularly in cities, that the young and elderly were told to stay inside. "And so, that's what spurred (people) to finally say, 'We've got to stop this,'" said Whitman, a former New Jersey governor who led the EPA under President George W. Bush.

At a time of massive change and in the midst of anti-war protests, women's movement marches and civil rights clashes, Americans came together to rally around the environment in the late 1960s.

On April 22, 1970, Sen. Gaylord Nelson of Wisconsin and other organizers held a series of environmental teach-ins and demonstrations across the country in what would become the first Earth Day. Millions of people participated, according to the EPA. Later that same year, President Richard Nixon signed the executive order to create the EPA. From the beginning, the agency's singular mission has been "to protect human health and the environment."

"Nixon at the time was not terribly driven by his love of the environment. But he knew he couldn't ignore it ... the public demanded it," recalled William Ruckelshaus, the man who Nixon tapped to create the agency and serve as first EPA administrator.

"He had no choice and he knew it. And he went after it. And he did a lot. The Clean Air Act passed, the Clean Water Act, all these laws, some 10 of them over the course of the decade of the 1970s," said Ruckelshaus, who also led the EPA under President Ronald Reagan from 1983 to 1985.

In the almost 50 years since the creation of the EPA, the agency's impact has been undeniable. By all accounts, the regulations put in place by the EPA have led to cleaner air, water and soil. President Donald Trump has repeatedly claimed that the United States has the cleanest air in the world. But worldwide rankings, including the annual Environmental Performance Index, show the United States ranks below other nations.

That's especially concerning given that a recent New England Journal of Medicine study found that air pollution can kill, even when it meets air quality guidelines.

"In a funny way or ironic way today, we're victims of our own success in many ways because people don't see it anymore. It's not quite as obvious that the air is dirty," said Whitman.

Today, under Trump's direction, Americans have an EPA that touts the slashing of dozens of environmental protections. In fact, a recent report found that the EPA "exceeded" its goals in cutting back regulations in the first two years of the Trump administration.

"EPA has finalized 37 deregulatory actions under President Trump, saving Americans more than \$3 billion. We have 40 more actions in development that are projected to save almost \$100 billion," EPA administrator Andrew Wheeler said in March.

"A strong economy is vital to maintaining a healthy environment," declared Trump during a White House gathering on environmental leadership on July 8. "We will defend the environment, but we will also defend American sovereignty, American prosperity and we will defend American jobs."

Critics of the EPA's deregulatory actions, including doctors and public health researchers, say those dollars saved come at a grave cost.

"The regulatory rollbacks that I've seen from the administration are enormously troubling," cautioned Whitman. "While they may save some parts of industry some money, they're going to cost us a lot in human health down the road."

"The EPA today is far and away the worst I've ever seen it," said Ruckelshaus. "I don't think (Trump-era EPA administrators) buy the mission of the agency. They see it as an economic generation machine and the less regulation you can have, the better off you are because goods and services don't cost as much. And therefore, people use more of them and generate more economic activity. That's not the mission of EPA."

This administration's EPA rollbacks include weaker rules on air and water quality, fuel economy for cars, pesticides and combatting the climate crisis. CNN chief medical correspondent Dr. Sanjay Gupta takes a closer look at how some of those deregulations directly impact Americans' health on an upcoming CNN Special Report "A Toxic Tale: Trump's Environmental Impact." The show airs on Friday, August 23, at 10 p.m. ET.

Former EPA administrators and senior staff reveal what's really happening at the agency.

The Wynne family of Charleston, South Carolina, explains why they believe the Trump EPA's inaction on a dangerous chemical is responsible for their son's death. After the Obama-era EPA proposed a retail and commercial ban on methylene chloride, Trump's EPA delayed it. Drew Wynne died of methylene chloride inhalation on October 14, 2017. When the EPA finalized a retail ban on methylene chloride on March 15, 2019, EPA administrator Andrew Wheeler said, "After analyzing the health impacts and listening to affected families, EPA is taking action to stop the use of this chemical in paint removers intended for consumers." Methylene chloride continues to be available for commercial use and remains a danger for workers.

The documentary also examines the Affordable Clean Energy (ACE) rule which replaced the Obama-era Clean Power Plan. By the EPA's own 2018 analysis, additional pollution from Trump's ACE rule will result in up to 1,400 more premature deaths a year by 2030. A coalition of 22 states and 7 cities have filed suit to block the ACE rule.

In the face of unprecedented rollbacks at the agency designed to protect Americans' health and their environment, former EPA chiefs harken back to what prompted the EPA's creation.

"The only way that anything changes in this country is when the public decides that they want to change," said Whitman. "We're the ones who can stand up and say, damn it, this is an issue about which we care or we want you to do something."

Former EPA administrator William K. Reilly has a reminder for all Americans: "The EPA has had its ups and downs. It's had periods when it's found favor with the president, when the president ran against it or criticized it or ignored it. The country is going to have to make itself heard on this ... But a lot has been allowed to happen. By no means is the situation irredeemable. The EPA can be revived. It can be restored. It can be strengthened again."

The Hill

"Controversial Husband and Wife EPA Duo to Leave Washington"

<https://thehill.com/policy/energy-environment/458605-controversial-husband-and-wife-epa-duo-to-leave-washington>

Miranda Green

A controversial husband and wife political duo is leaving the Environmental Protection Agency (EPA) D.C. office after nearly two years working there during the Trump administration.

Henry Darwin and his wife Veronica will leave Washington and return to their home state of Arizona, EPA head Andrew Wheeler wrote in an internal announcement sent to staff Friday afternoon obtained by The Hill.

Henry Darwin joined EPA as chief of operations under former Administrator Scott Pruitt and was promoted to deputy administrator under Wheeler last July. While negotiating his job at EPA in May 2017, Henry Darwin also pitched a role for his wife, who he called a "legitimate environmental professional," according to internal emails obtained by ABC. "It would help our financial decision immensely," Darwin wrote to EPA Chief of staff Ryan Jackson in the email. "If not out of the question, I would be happy to forward her resume and references (which I would suggest you check - everyone loves her almost as much as I do)."

The former Arizona state official's wife Veronica Darwin was later hired to be a senior adviser to the administrator for Land and Emergency Management. Pruitt later came under fire for using his position at EPA to try to get jobs for close acquaintances, including a clerking internship for his daughter at the White House and a job for his wife opening up a Chick-fil-A franchise.

Wheeler in his email Friday said Henry Darwin will be stepping down from his role and will once again take the title of assistant deputy administrator at EPA. In the role he will "concentrate on the deployment of EPA's Lean Management System (ELMS)" which he will do from Arizona. "Given the amount of time he already spends traveling to the regional offices to deploy ELMS, his relocation to Phoenix should not impact his ability to help us become even more effective in carrying out our very important mission. In addition, Henry will be here at headquarters on a regular basis," Wheeler wrote.

Wheeler announced Veronica Darwin left the agency on Aug. 9. "While at EPA, Veronica managed implementation of the Superfund Task Force recommendations, and led other Administrator priorities like children's health, and the development of the action plan for lead. These key initiatives will remain Administrator priorities, however Veronica's leadership will be greatly missed," wrote Wheeler.

EPA did not respond to a request for comment on the nature of the departures.

Air

<https://news.bloombergenvironment.com/environment-and-energy/epa-wants-more-time-from-court-on-landfill-methane-controls>

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Bloomberg Environment

"General Iron Agrees to Controls to Comply With EPA Ozone Rules"

<https://news.bloombergenvironment.com/environment-and-energy/general-iron-agrees-to-controls-to-comply-with-epa-ozone-rules>

Stephen Joyce

Chicago-based General Iron Industries Inc. has resolved alleged federal Clean Air Act violations by installing a pollutant-smashing technology at its scrap-metals facility. The Environmental Protection Agency and the company on Aug. 26 announced agreement on an administrative consent order formally resolving the allegations. General Iron, a metal scrap shredding and recycling facility, installed and is operating a regenerative thermal oxidizer. The equipment, the first installed in the Midwest, reduces volatile organic compound emissions, which contribute to the formation of ozone. Under the order the company must demonstrate it is using the equipment effectively.

The company said the equipment would help bring the region into attainment with the National Ambient Air Quality Standard for ozone.

The company spent \$2 million on the technology. The regenerative thermal oxidizer uses extreme heat to destroy volatile organic compounds. Any remaining exhaust gases then pass through a tower scrubber, which evaporates a portion of the water and releases the rest as steam.

The facility is classified under federal statutes as a major stationary source of emissions, which means it has the potential of emitting 100 tons per year or more of volatile organic compounds.

Infrared Monitoring

The EPA in 2016 began conducting facility inspections following complaints about air pollution. The EPA testing in 2017 concluded the plant's maximum theoretical emission rate exceeded federal statutory limits. In 2018 the agency issued a notice and finding of violation, alleging the company was violating Section 113 of the Clean Air Act. Using an infrared camera, the EPA recorded hydrocarbons exiting the facility and documented fugitive particulate matter crossing the facility's property line. The company was cited for excessive emissions, one instance of fugitive particulate matter, and failure to provide records requested by the EPA.

"The RTO sets an example for our industry and makes General Iron one of the first metal shredding facilities in the country to utilize this highly effective technology to control VOC emissions," Adam Labkon, vice president and a fourth-generation owner of General Iron, said in a news release.

The EPA could have filed a civil or criminal action in court, but instead allowed the firm to negotiate with environmental regulators in an attempt to resolve the alleged violations. Following those meetings the Illinois Environmental Protection Agency on Feb. 11 approved a construction permit application calling for the installation of the regenerative thermal oxidizer and tower scrubber.

Bloomberg Environment

"D.C. Circuit Puts Health at Center of Trump EPA Ozone Review"

<https://news.bloombergenvironment.com/environment-and-energy/d-c-circuit-puts-health-at-center-of-trump-epa-ozone-review>

Amena H. Saiyid

The Trump EPA and its advisers will have to pay more attention to peer-reviewed health evidence as they review the 2015 ozone standards in light of a recent court ruling on how the current limits were set, former agency employees and lawyers say. The U.S. Court of Appeals for the District of Columbia Circuit ruled Aug. 23 in a challenge to the agency by Murray Energy Corp. that the Obama-era Environmental Protection Agency largely followed both the law and science when it tightened the national primary ozone standard to 70 parts per billion (ppb) in 2015. Previously the ozone standard was 75 ppb. The court, however, remanded to the agency the secondary part of the ozone standard intended to protect vegetation and wildlife because it didn't follow the recommendations of its science advisers.

The court made it clear that the EPA must weigh health issues in setting air standards, and is barred by the Clean Air Act from using energy impacts, costs to businesses, and other factors like wildfires to set or modify air limits. The ruling comes at a crucial juncture as EPA is racing to finish its review of the National Ambient Air Quality Standards (NAAQS) for

ozone by the end of 2020. Administrator Andrew Wheeler in late July instructed the panel of outside air quality science advisers to finish their reviews by the end of this year so the agency can have a draft proposal ready by early 2020. The EPA didn't immediately respond to Bloomberg Environment's request for comment. It said Aug. 23 that it was reviewing the decision.

Former Directive

Until the Aug. 23 decision, the EPA was following the May 2018 directive from former Administrator Scott Pruitt. He instructed the agency and its Clean Air Scientific Advisory Committee (CASAC) to recommend what proportion of ozone pollution problems is caused by natural conditions like wildfires and what proportion is linked to industrial activity like burning of fossil fuels to generate power and manufacture goods. Pruitt also asked the advisers to gather information about public welfare impacts on vegetation and wildfire as well as energy impacts. "The D.C. Circuit ruling affirmed numerous previous court rulings that National Ambient Air Quality Standards—in this case the ozone standard—must be based on scientific evidence and is about public health, not implementation or other policy issues," Janet McCabe, who headed the EPA Office of Air and Radiation during the last two years of the Obama presidency, told Bloomberg Environment.

Ground-level ozone is a chief ingredient of smog and a known lung irritant. Burning fossil fuels creates ground-level ozone. Areas out of compliance with EPA ozone standards are required to enact measures to improve air quality, which could include restrictions on permits for power plants and other industrial facilities.

Importance of Science

The federal appeals court said the EPA "has adequately explained why on the record before it the revised standard is requisite to protect the public health."

However, the court didn't buy the EPA's rationale for setting a less protective secondary ozone standard based on scientific uncertainty. "The decision suggests the EPA will need to particularly describe not only any identified uncertainty but it also may need to describe the effect of this uncertainty on its decisions to discount such evidence in future NAAQS reviews," said Cheryl Gonzalez, counsel in the Indianapolis office of Barnes & Thornburg LLP. What's more, the decision is clear that the EPA can't retain or tighten the standard based on the ability of states or affected businesses to meet that standard. The judges cited the 2001 U.S. Supreme Court ruling in *Whitman v. Am. Trucking Ass'ns* that said the Clean Air Act 'unambiguously bars cost considerations from the NAAQS-setting process.'

Non-Health Factors

The court essentially "rebuked" the industry challengers for trying to introduce non-health considerations like energy impacts and background ozone levels into the ozone standard-setting process, according to Paul Billings, senior vice president for advocacy at the American Lung Association. The group intervened on EPA's behalf in the case. But some lawyers not involved in the case told Bloomberg Environment that the EPA could avoid this prohibition by getting CASAC to consider those non-public health factors into its final recommendations to the agency per Pruitt's guidance. For instance, the courts have recognized that the Clean Air Act requires EPA to consider the scientific recommendation it receives from its science advisers and to fully explain any deviations from that recommendation, Kevin Minoli, a partner in the Washington office of Alston & Bird LLP, told Bloomberg Environment. "If CASAC considers those factors when making its scientific recommendation, the recommendation itself is likely immune from being challenged in court," Minoli said. But he added that the agency may still be challenged on "arbitrary and capricious" grounds if it takes up that recommendation.

Credible Process

McCabe questioned whether the advice the EPA gets from its science advisers will be as credible as it was during prior administrations. “In the past, the EPA has put a very high value on convening panels of credible experts to provide advice on these important matters, which affect the public health so greatly,” she said. Minoli also said courts need to look at EPA’s science and find it reliable. “Ultimately, that makes actions EPA has taken based on that science more vulnerable to challenge and that is not in any entity’s interest,” said Minoli, who served as EPA principal deputy general counsel till 2017, and as acting general counsel for an additional year under the Trump administration before leaving the agency in 2018. What the current EPA leadership should heed is that the Obama EPA had “a really good record and a really good explanation, and when agencies do that they tend to win,” Minoli said.

Bloomberg Environment

"EPA Wants More Time From Court on Landfill Methane Controls"

<https://news.bloombergenvironment.com/environment-and-energy/epa-wants-more-time-from-court-on-landfill-methane-controls>

Abby Smith

A federal district court judge should drop a requirement that the EPA finish a federal plan for Obama-era controls on methane-heavy landfill gas in the fall, the agency said in an Aug. 26 legal filing. The Environmental Protection Agency’s request comes as the agency published a rule Aug. 26 delaying the deadlines for the 2016 landfill controls by more than two years. That action makes the judge’s previous Nov. 6 deadline moot, and the judge should withdraw that requirement, the EPA said in the legal filing.

The EPA faced that deadline as the result of a May legal victory for eight states and the Environmental Defense Fund forcing the agency to implement the Obama-era landfill rule. Judge Haywood S. Gilliam Jr. of the U.S. District Court for the Northern District of California gave the EPA just months to get back on track—four months to approve or deny submitted state plans and six months to craft a federal plan.

The agency has been attempting for more than two years to push back the deadlines of the landfill rule. The EPA announced in May 2017 it would reconsider aspects of the landfill rules at industry’s request, though the agency hasn’t taken action on rewriting the rule since then.

New Timeline

The EPA proposed a version of the federal plan Aug. 22. That plan would apply to any states failing to outline their own steps for implementing the regulation. At least one state, Pennsylvania, has said it would rely on the federal plan instead of crafting its own.

But the EPA in its legal filing says under its amended timeline, it would instead have until Aug. 30, 2021, to finish the federal plan.

The EPA’s 2016 rules updated a set of Clinton-era regulations requiring new and existing landfills to install controls to capture emissions once the facilities pass a certain threshold. The deadlines at issue are those for existing landfills.

Landfill Emissions

Landfills emit gas that includes the potent greenhouse gas methane, carbon dioxide, and hazardous air pollutants. Methane warms the atmosphere at a rate more than two dozen times that of carbon dioxide. According to the EPA’s annual greenhouse gas inventory, landfills are the third largest emitter of methane in the U.S. Environmental groups say the agency has already wasted too much time not enforcing the landfill controls. To date, just six states have submitted compliance plans to the agency.

In January comments, several environmental groups—the Environmental Defense Fund, the Natural Resources Defense Council, and the Clean Air Task Force—estimated the EPA’s delay of the deadlines would result in 1.6 million to 1.9 million additional tons of methane emissions.

The case is California v. EPA, N.D. Cal., No. 4:18-cv-03237, motion to amend order and judgment 8/26/19.

GreenWire

"EPA Extends Deadline for States' Landfill Plans"

<https://www.eenews.net/greenwire/2019/08/26/stories/1061079531>

Niina Farah

EPA published a deadline extension today for states to develop plans to control methane emissions from municipal solid waste landfills.

The *Federal Register* notice comes just three days before the Thursday deadline for states to submit their own plans. It will go into effect Sept. 6.

The rule directs owners of landfills that have emissions of at least 34 metric tons of non-methane organic compounds to collect and control landfill gas, which is about 50% methane.

EPA suggested in the final rule that the new deadlines could conflict with part of an order last spring by the U.S. District Court for the Northern District of California (*Climatewire*, May 7).

The court had ordered EPA to act on existing state plans by Sept. 6 and to develop a federal plan for those without EPA-approved plans by Nov. 6. The order didn't address when states would have to provide plans to the agency.

EPA had just proposed a federal plan earlier this month and has given the public until Oct. 7 to comment.

In a motion filed today, EPA is asking the court to amend a previous order and eliminate the Nov. 6 federal plan deadline.

Peter Zalzal, lead attorney on the Environmental Defense Fund's domestic climate and air legal team, said EPA may have enough time to finalize a federal plan to meet the November deadline, given the agency's 45-day public comment period.

"It's good to see EPA is moving forward with a federal plan consistent with its obligations under the court order," he said.

Zalzal noted that prior to EPA drafting the 2016 rule on landfills, emissions standards for the sources had not been updated in two decades. Under the Trump administration, the rule's implementation had been delayed for yet another two years.

"Ultimately, this is about more pollution in people's communities around the country," he said.

So far, few states have taken action on the rule. The agency had received eight plans from five states (*Greenwire*, Aug. 13).

EPA said that state plans submitted before the finalization of the rule would still be subject to implementing regulations and would be finalized "in accordance with the Court's order."

Bloomberg Environment

"EPA's Issues First Enforcement of Formaldehyde Emissions Rules"

<https://news.bloombergenvironment.com/environment-and-energy/epas-issues-first-enforcement-of-formaldehyde-emissions-rules>

Pat Rizutto

International construction company Turner Logistics has agreed to pay \$544,064 and replace imported composite wood that exceeded formaldehyde emissions limits set by the EPA. "This is the first enforcement action taken by the agency for violations of the formaldehyde regulations," that became effective in June 2018, the Environmental Protection Agency said in its Aug. 26 announcement of the civil case. The settlement with Global Sourcing Solutions of Montvale, N.J., a division of Turner Logistics LLC, resolves alleged violations without the company admitting liability.

The agency maintained that the international construction services company on eight separate occasions this year imported composite wood products releasing formaldehyde at concentrations exceeding limits set by a December 2016 final EPA rule (RIN: 2070-AJ44). Turner Logistics, also known as Turner Construction Co., did not immediately reply to questions about the settlement. The company has, however, agreed to replace engineered-wood cabinet components that failed to comply with the EPA's limits. Global Sourcing imported the kitchen, buffet, bathroom, laundry, and other cabinets for apartments Turner Construction Co. is building in Nashville, Tenn. All of the cabinet components were quarantined prior to installation, according to the settlement.

Engineered wood consists of wood fibers combined with waxes and glues to create panels that can be used for cabinets and other construction materials.

Formaldehyde is often in resins used to make engineered wood. Exposure to sufficient concentrations of formaldehyde can irritate the skin, eyes, nose, and throat and increase the risk of cancer.

Global Supply Chain

Turner imported the engineered wood from a Turkish company, that produced particleboard that complied with formaldehyde emission limits set by the European Union, the settlement said. But U.S. and EU formaldehyde standards differ, with the U.S. being more stringent in some cases and EU standards being tighter in others, according to the settlement. The company must replace any product that fails to meet U.S. standards, the settlement said.

The EPA's formaldehyde limits were implemented as part of the Formaldehyde Standards for Composite Wood Products Act of 2010. Congress passed that law, in part, to set nationwide limits that were consistent with California regulations. Republicans and Democrats also supported the national standards after people got sick from formaldehyde emissions released by trailers the Federal Emergency Management Agency provided for people displaced following hurricanes Katrina and Rita in 2005.

NextGen Transportation News

"EPA Settles with Companies over Defeat Devices"

<https://ngtnews.com/epa-settles-with-companies-over-defeat-devices>

Betsy Lillian

The U.S. Environmental Protection Agency (EPA) has announced settlements with two automotive parts manufacturers for violations of the Clean Air Act.

According to the EPA, the companies manufactured or sold aftermarket auto parts that bypassed or disabled required emissions control systems (i.e., defeat devices). The two will pay a total of \$15,000 in penalties.

The announcement highlights two separate administrative settlement agreements:

1. APEX Integration Inc. manufactured and sold 44 aftermarket exhaust systems for gasoline-powered vehicles that bypassed catalytic converters. The company, headquartered in Orange, Calif., will pay a \$5,000 penalty.
2. JAMO Performance Exhaust LLC sold aftermarket exhaust system parts for diesel-powered trucks that enabled the removal of catalytic converters on vehicles. The company, headquartered in North Las Vegas, will pay a \$10,000 penalty.

3. "Emissions controls on cars and trucks protect public health and the environment from excessive air pollution," says Mike Stoker, the EPA's Pacific Southwest regional administrator. "We will continue to investigate and bring companies into compliance so everyone can breathe easier."
4. Both companies' penalty amounts were reduced due to financial hardship, the EPA says.
5. The EPA explains that mobile sources are a significant contributor to air pollution, and aftermarket defeat devices that disable mobile source emission controls exacerbate this problem. To address this, the agency has developed a National Compliance Initiative that focuses on stopping the manufacture, sale and installation of defeat devices on vehicles and engines used on public roads, as well as on non-road vehicles and engines.

The Washington Post

"Feds Settle With Supermarket Group Over Clean Air Violations"

https://www.washingtonpost.com/business/feds-settle-with-supermarket-group-over-clean-air-violations/2019/08/23/12cb8b0e-c5cd-11e9-8bf7-cde2d9e09055_story.html

The Associated Press

JACKSONVILLE, Fla. — A supermarket company has agreed to reduce emissions of ozone-depleting gases from refrigeration equipment at more than 500 stores in seven southeastern states, federal authorities said Friday.

The Department of Justice and the Environmental Protection Agency reached the agreement with Southeastern Grocers Inc. and its subsidiaries to resolve violations of the Clean Air Act, according to a DOJ news release.

The company, headquartered in Jacksonville, Florida, owns and operates BI-LO, Fresco y Más, Harveys Supermarket and Winn-Dixie grocery stores.

The supermarket company failed to promptly repair leaks of refrigerator coolants, failed to keep adequate service records and failed to provide information about its compliance record, the release says. The company will spend about \$4.2 million over the next three years to reduce coolant leaks and to improve compliance at 576 stores. It will also pay a \$300,000 civil penalty.

The settlement will help assure the company's "future compliance with the Clean Air Act's ozone-depletion program — by requiring leak monitoring, centralized computer recordkeeping, and searchable electronic reporting to EPA," Assistant Attorney General Jeffrey Bossert Clark of DOJ's Environment and Natural Resources Division said in the release.

"These steps will not only help to prevent damage to the environment, but should also help save energy," EPA Assistant Administrator for Enforcement and Compliance Assurance Susan Bodine said in the release. The company did not immediately respond to phone and email messages seeking comment Friday.

The agreement says the company will maintain an annual, company-wide average leak rate of 17% through 2022. The release says the grocery store sector average leak rate is 25%. Under the Clean Air Act, owners and operators of commercial refrigeration equipment with more than 50 pounds (22.6 kilograms) of ozone-depleting refrigerants must repair leaks within 30 days. The company's website says its stores are found in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina and South Carolina. DOJ says the settlement is the fourth in a string of grocery refrigerant cases. Previous settlements were reached with Safeway Inc., Costco Wholesale Corp., and Trader Joe's Co.

The Hill

"EPA Ordered to Set Stronger Smog Standards"

<https://thehill.com/policy/energy-environment/458608-epa-ordered-to-set-stronger-smog-standards>

Rebecca Beitsch

A federal appeals court has ruled in a case battling Obama-era pollution regulations that the Environmental Protection Agency (EPA) must set stronger regulations on smog in order to protect the environment.

The U.S. Court of Appeals for the District of Columbia Circuit found that while the EPA's current air quality standards for ozone are too weak to protect the environment, the standards do meet federal requirements when it comes to protecting human health. Seth Johnson, an attorney who argued the case on behalf of Earthjustice, said the case gets to the heart of the Clean Air Act's requirement that the EPA protect forests and natural landscapes from the ozone damage that can inhibit their growth.

The EPA "must go back and fix its mistakes so cherished natural spaces like national parks can thrive," he said. But advocates warned that a win for park was not necessarily a win for people. "We are disappointed that the court failed to recognize the overwhelming scientific evidence showing ozone's potential to cause premature death, difficulty breathing, wheezing and coughing, and asthma attacks at levels previously considered safe," Harold P. Wimmer, national president and CEO of the American Lung Association, said in a statement. "Such evidence demands that EPA adopt stronger, more protective standards, not backslide on the progress being made toward cleaning up the air we breathe."

While ozone helps create a protective layer in the stratosphere to protect the earth from the sun's ultraviolet light, when at ground-level, the gas can contribute to asthma attacks and other respiratory issues. The suit was initially brought by Murray Energy Corporation, one of the largest coal companies in the U.S. Environmentalists and Democrats alike said the suit showed the importance of scientific evidence at trial.

Johnson said data from the EPA helped it make its case in portions of the suit, while a lack of scientific data hindered it in other areas of the case. Sen. Tom Carper (D-Del.), ranking member of the Senate Environment and Public Works Committee, agreed the court took that evidence seriously. "As President Trump's EPA considers weakening science-based protections, that fact should give the agency pause as it goes out of its way to either dismantle science advisory boards, or fire independent scientists and replace them with fossil fuel lobbyists," he said in a statement.

A spokesperson for the EPA said it was reviewing the decision. The court also rejected the argument from industry groups that the EPA should consider costs incurred by industry groups as they try to comply with regulations. "The plain text of the [Clean Air] Act unambiguously bars cost considerations," the opinion said. Johnson said he expects the EPA will have to consider human health as it reevaluates the standards through 2020.

Recycling

<https://www.npr.org/2019/08/21/751524877/more-u-s-towns-are-feeling-the-pinch-as-recycling-becomes-costlier>

NPR

"More U.S. Towns Are Feeling The Pinch As Recycling Becomes Costlier"

<https://www.npr.org/2019/08/21/751524877/more-u-s-towns-are-feeling-the-pinch-as-recycling-becomes-costlier>

Rebecca Davis

When curbside recycling caught on in the 1970s, it was mostly about cans, glass, cardboard and paper. That's how Donald Sanderson remembers it.

Sanderson is 90 years old, an earnest man with a ready smile. Every Thursday in Woodbury, N.J., where he lives, he hauls a big blue recycling bin out to the curb. Recycling is close to his heart. "I guess you could say I'm the father of recycling," he says. "I don't know if that's good or bad."

In the late 1970s, most trash just went to the local landfill, which cost Woodbury a lot of money in fees. And the landfill was filling up. Sanderson, who was on the City Council at the time, came up with an idea: There was a market for some of that trash — there were companies that would buy and reuse it.

So Sanderson suggested people should have to sort their waste and put glass, metal and paper out on the curb for pickup.

Many residents thought Sanderson was nuts. They worried their taxes would go up. Newspaper editorials tore the plan apart, and some people let Sanderson know firsthand how they felt.

"They dumped trash on my lawn," he recalls with a laugh. "I would open the door — and they would dump it the night before — and when I'd come out in the morning, I'd see what was there." But, he says, "it didn't really bother me. It made me more determined to make the program a success."

When the council took up the proposed recycling ordinance, the vote was close, but Sanderson won. It was 1980, and Woodbury became a pioneer in recycling. The city claims to be the first in the United States to adopt a mandatory curbside recycling program.

Woodbury even started making money by selling its trash to companies that would recycle it.

That was nearly 40 years ago. More and more, that scenario has flipped: Communities are now having to *pay* to get rid of their rubbish. It's happening in Woodbury and in places all over the country.

But back when recycling began to catch on, it was a godsend to local communities. As Americans bought more goods, there was ever more stuff to throw away — cardboard, glass, metal and, increasingly, plastic. Scrap was valuable. A global market grew around it, especially in China.

To encourage people to recycle more, communities in the 1990s started having residents put all their trash into one bin. It was called single-stream recycling.

"Good concept in theory, if it had worked the way it was supposed to," says Monica Gismondi, the recycling coordinator in Gloucester County, where Woodbury is located. She says single stream has been a disaster for the facilities that accept and sort household trash destined for recycling — people started putting everything into their recycling bins. "They were getting the rubber hoses in there and literally the kitchen sink and the bathroom toilets and the bowling balls," she says.

And a lot more plastic was showing up, everything from soda and water bottles to plastic grocery bags and shampoo bottles and food wrap. A lot of it couldn't — and still can't — be recycled. "That seems to be the biggest change over the last, say, 20 years," Gismondi says. "How everything is going into a plastic container." (See our interactive to learn more about what can and can't go in the bin.)

A pile of debris including all kinds of plastics grows hourly at Omni Recycling, a materials recovery facility in Pitman, N.J. Plastic bags are especially problematic because they can get caught in the conveyor belts and equipment and gum up the recycling process.

Rebecca Davis/NPR

Now plastic has become the biggest thorn in the side of the recycling industry and one for which taxpayers are more often footing the bill.

At Omni Recycling, a materials recovery facility in Pitman, N.J., one can see firsthand the mess that plastic has become for recyclers.

Recycling trucks from Woodbury and other towns stream in and out. Front-end loaders shovel mounds of trash onto the floor and then onto conveyor belts. It's very, very loud. Piles of trash roll by on the belts. Optical sorters use laser beams to identify what objects are made of. Blasts of air separate them.

Like any other materials recovery facility, Omni is trying to separate the material it can sell, like plastic bottles (known by their plastic IDs as "1s" and "2s"), from what it can't, like plastic bags.

Kevin Carducci, who is part owner and plant manager of Omni, points to an enormous pile of plastic bags. "That came off the system in the last four hours," he says. "The screens get cleaned three times a day to remove all those plastic bags." And that's just the bags. Then there are the *other* nonrecyclables: pouches, film wrap, chip bags, Styrofoam, some tubs and clamshells, PVC pipes, plastic toys.

Those items should never have gone into a recycling bin, Carducci says. He can't sell it, it's not easily made into other products and it costs him money to deal with it.

"It cost over a million dollars last year to remove all this residue and bags," he says.

To recoup those costs, Carducci bills the towns he serves to process and dispose their trash. So the days when Woodbury got paid for its recyclables are gone. Like many communities in the U.S., Woodbury now has to pay materials recovery facilities to take its waste.

Materials recovery facilities in the U.S. used to sell a lot of plastic waste to China, which was willing to sort through it. But the nonrecyclables ended up making a huge mess both on land and in the ocean. So last year, China stopped buying most of it, and now materials recovery facilities in the U.S. are left holding the bag, literally.

Carducci says his profit margin is paper thin. Most of his revenue comes from recycling bottles, but it's harder to make money on bottles, because they keep getting thinner. "It takes six times the amount of bottles, countwise, to get the same pound [of recyclable plastic] as you did years ago," he says.

According to the recycling industry, only about 9% of plastic waste in the U.S. gets recycled every year (and probably less now, since China is no longer importing as much of it).

Meanwhile, it's nearly as cheap for towns like Woodbury just to dump plastic waste into landfills as it is to send plastic waste off for recycling.

Carducci says the situation won't change unless the companies that make all that plastic packaging start making more of it recyclable.

"It's on them," he says.

Regulations

<https://www.heartland.org/news-opinion/news/epa-reforms-how-it-calculates-cost-benefit-analyses>

The Heartland Institute

"EPA Reforms How it Calculates Cost-Benefit Analyses"

<https://www.heartland.org/news-opinion/news/epa-reforms-how-it-calculates-cost-benefit-analyses>

Bonner R. Cohen

Environmental Protection Agency Administrator Andrew Wheeler issued new instructions for how the agency conducts cost-benefit analyses of environmental regulations. Continuing the Trump administration's overhaul of how executive agencies arrive at their regulatory decisions, Environmental Protection Agency (EPA) Administrator Andrew Wheeler issued new instructions for how the agency conducts cost-benefit analyses of environmental regulations.

In a two-page memo to EPA officials, Wheeler said "the agency should ensure that its regulatory decisions are rooted in sound, transparent, and consistent approaches to benefits and costs."

Rectifying Inconsistencies

Although consideration of benefits and costs has long been an integral part of regulatory decision-making at the agency, the departments and offices have not used standardized or consistent methods of accounting for or comparing costs and benefits, Wheeler stated.

"[B]enefits and costs have historically been treated differently depending on the media office and the underlying authority," Wheeler wrote in his May 21 memo. "This has resulted in various concepts of benefits, costs, and other factors that may be considered. "This memorandum will initiate an effort to rectify these inconsistencies through statute-specific actions," said Wheeler.

Improving Quality, Transparency

Wheeler's memo instructs the assistant administrators of EPA's offices of Air and Radiation, Chemical Safety and Pollution Prevention, Land and Emergency Management, and Water to institute reforms outlining how cost-benefit considerations will be applied in areas in need of greater clarity, transparency, and consistency.

EPA's agency-wide overhaul also includes yet-unspecified revisions to key methodological and modeling choices, assumptions, uncertainties, and contexts used in the cost and benefit calculations underlying regulatory actions across the different departments.

Critics of the agency have long raised concerns about the validity of projections of, for example, the number of premature deaths prevented by lowering the allowable amounts of various regulated criteria air pollutants, Wheeler noted in his memo. EPA's reform is intended to standardize and improve the quality and transparency of such estimates.

'More Good Than Harm'

EPA should impose new regulations only when they will produce net benefits, says Daren Bakst, a senior research fellow at The Heritage Foundation.

"EPA's regulations should do more good than harm, a sentiment the agency has not always embraced historically," said Bakst. "The agency issues some of the costliest regulations in U.S. history, affecting all our lives, yet it has often issued regulations without quantifying any benefits from limiting targeted pollutants.

"The Obama administration's EPA argued it didn't even need to consider the \$9.6 billion in costs for its 'mercury' rule, a rule with just \$4 million to \$6 million in benefits," Bakst said. "EPA should be commended for putting an end to past gaming and ignoring basic cost-benefit analysis."

'Should Thwart This Practice'

Wheeler is fighting an entrenched bureaucracy with this reform effort, says Jay Lehr, a senior policy analyst with the International Climate Science Coalition.

"Andrew Wheeler is to be congratulated for requiring all EPA departments to calculate cost-benefit ratios consistently and transparently," said Lehr. "He remains stuck with a number of department heads who follow the Obama-era strategy of using EPA to dismantle much of the nation's industrial base with fraudulent claims.

"This has allowed them to cook the books on cost-benefit analyses for carbon dioxide and other substances," Lehr said. "Wheeler's move should thwart this practice."

RFS

https://www.postbulletin.com/news/local/biofuel-industry-stung-by-epa-s-waivers/article_41c2509e-c502-11e9-9f1d-b7810b9f624e.html

Post Bulletin

"Biofuel Industry Stung by EPA's Waivers"

https://www.postbulletin.com/news/local/biofuel-industry-stung-by-epa-s-waivers/article_41c2509e-c502-11e9-9f1d-b7810b9f624e.html

Noah Fish

CLAREMONT — Producers of corn and ethanol say the Trump administration has bailed out refineries owned by large oil companies at their expense.

The Environmental Protection Agency granted biofuel waivers to 31 refineries on Aug. 9, displeasing the corn and ethanol industry.

Refineries are eligible for exemptions if they can prove they are in financial strife. The waivers free them from their obligation under the Renewable Fuel Standard (RFS) to blend biofuels into their gasoline or buy credits from others that do.

In 2017, the EPA granted 35 of 37 applications it received. Both Chevron and Exxon, two of the world's most profitable energy companies, have been granted waivers by the EPA.

Randy Doyal, CEO of Al-Corn Clean Fuel in Claremont, said he was surprised by the number of waivers. He said the waivers siphon away "a big chunk of demand" in a market that's already oversupplied.

"It will depress the price of ethanol, and when you add the volatility of the corn market, it keeps pushing us in the wrong direction," Doyal said. "It's causing some definite tightness in the ethanol industry."

That could cause more plants to scale back or be put up for sale, he said, but Al-Corn is not one of them.

Doyal said he wasn't shocked by the number of applications that came in for waivers last year, because the EPA has developed a pattern of granting them. What he is startled by is that the EPA is not meeting its legal obligation to reallocate the lost ethanol gallons.

Despite an order from the U.S. Court of Appeals, the EPA has said it will not reinstate the 500 million gallons withheld by the agency in 2016.

If the EPA is going to waive the lost gallons, it should be properly accounted for, said Doyal.

"So, they've basically thumbed their noses and said no," Doyal said of the EPA. "That's incredible to me, from an administration that says it's on the side of the farmers and is looking out for them."

A decision on the waivers was delayed for months, which made Doyal think something was being worked out between the Department of Agriculture and the EPA to reassign lost gallons.

"And then we get nothing," he said.

The difference of reassigning the gallons compared to waiving them is crucial for the health of the market, Doyal said.

"I'm scratching my head wondering where the heck the EPA thinks they're going with this. And it's rather concerning because they seem to have the support of this administration."

According to the National Corn Growers Association, the Trump administration has undermined the Renewable Fuel Standard, granted more than 50 waivers to big oil companies and cost the industry more than 2 billion ethanol-equivalent gallons of fuel.

The hit to ethanol demand will affect farmers growing corn in the Midwest who sell most of their corn to ethanol plants. This comes at a time when farmers are also dealing with the loss of export markets due to ongoing trade disputes.

"Actions by the EPA are now also costing corn farmers ethanol markets at home," said Brian Thalmann, president of the Minnesota Corn Growers Association. "The billions of biofuel gallons lost through the issuing of waivers to oil refineries only benefit big oil companies while lowering the value of our nation's corn crop."

POET plants lower production

On Aug. 20, the biofuel company POET announced that it has reduced production at half of its biorefineries and will idle production at its bioprocessing facility in Cloverdale, Ind., "due to recent decisions by the EPA".

As a result, POET said numerous jobs will be consolidated across its 28 biorefineries, and corn processing will drop by an additional 100 million bushels. There's been a POET plant located in Preston since 1980. It produces around 46 million gallons of ethanol annually.

Superfund

<https://news.bloombergenvironment.com/environment-and-energy/zurich-american-has-no-duty-to-defend-cleanup-mediation>

Bloomberg Environment

"Zurich American Has No Duty to Defend Cleanup Mediation"

<https://news.bloombergenvironment.com/environment-and-energy/zurich-american-has-no-duty-to-defend-cleanup-mediation>

Peter Hayes

Zurich American Insurance Co. has no duty to reimburse policyholder Illinois Tool Works Inc. for its costs of entering into a cleanup agreement with the EPA for a portion of an Illinois Superfund site, the Appellate Court of Illinois said. The

insurer's duty to defend was never triggered because there was no suit filed regarding that portion of the site, known as the Additional and Uncharacterized Sites Operable Unit (AUS-OU), the court said.

A suit filed against Illinois Tool by a third party for contamination at a separate operable unit, known as site 36, didn't trigger the insurer's duty to reimburse the company's defense bills for the AUS-OU mediation, the court said Aug. 23. Illinois Tool argued that the claims of environmental damage for both the site 36 suit and the AUS-OU mediation "arise out of the same alleged misconduct." Illinois Tool's corporate predecessor released hazardous materials into the sewer system from its facilities located on AUS-OU that were carried to site 36, the company said.

Because the discharges involved in the site 36 suit originated on AUS-OU, the insurers have a duty to defend it in the AUS-OU mediation, Illinois Tool said.

The insurance coverage suit also named Ace Specialty Ins. Co. and New Hampshire Ins. Co. as defendants.

Judge Joy V. Cunningham wrote the opinion, joined by Judges Mathias W. Delort and Sheldon A. Harris. Neal Gerber & Eisenberg, LLP represented Illinois Tool.

Hinkhouse Williams Walsh LLP represented Zurich American Ins. Co. Skarzynski Marick & Black LLP represented Ace Specialty Ins. Co. Cohn Baughman & Serlin represented New Hampshire Ins. Co.

The case is Ill. Tool Works, Inc. v. Ace Specialty Ins. Co., 2019 BL 317435, Ill. App. Ct., 1st Dist., No. 1-18-1945, 8/23/19.

Water

<https://news.bloombergenvironment.com/environment-and-energy/oregon-river-group-may-defend-clean-water-rule-from-cattlemen>

<https://newyork.cbslocal.com/2019/08/26/newark-water-emergency-lead-pipe-replacement/>

Bloomberg Environment

"Oregon River Group May Defend Clean Water Rule From Cattlemen"

<https://news.bloombergenvironment.com/environment-and-energy/oregon-river-group-may-defend-clean-water-rule-from-cattlemen>

Porter Wells

An environmental group won the right to intervene in a lawsuit challenging a regulation enacted under former President Barack Obama that broadened the scope of the Clean Water Act, the Ninth Circuit ruled.

The Columbia Riverkeeper has a "practical interest" in the Environmental Protection Agency's 2015 rule, and neither the Oregon Cattlemen's Association, which seeks to overturn it legally, nor the EPA itself can adequately represent that interest, the federal appeals court said Aug. 23 in an unpublished opinion.

The rule, which expanded the bodies of water that are entitled to federal anti-pollution protections, has been under attack from business groups ever since its enactment. Only about half of the states are bound by the rule, thanks to the lawsuits brought by groups like the Oregon cattle ranchers who have asked courts to block its effect.

Meanwhile, the agency is well on its way to formally repealing the rule, which sparked the Columbia Riverkeeper's motion to intervene in the suit. The group claims the agency isn't planning on defending the rule on the merits, making the case a "sweetheart lawsuit" for the cattlemen association.

The group appealed to the U.S. Court of Appeals for the Ninth Circuit after a trial judge in Oregon denied its motion to intervene in a paperless docket entry in June. The Columbia Riverkeeper also argued that such a summary denial of its motion without explanation was an abuse of discretion, but the appeals court didn't reach that argument after granting intervention.

Judges Mary M. Schroeder, Richard A. Paez, and Andrew D. Hurwitz considered the case for the U.S. Court of Appeals for the Ninth Circuit.

Earthjustice represents the Columbia Riverkeeper.

The case is Oregon Cattlemen's Ass'n v. EPA, 9th Cir., No. 19-35564, unpublished 8/23/19.

CBS New York

"Newark Water Emergency: New Plan Revealed To Fast-Track Process Of Replacing Lead Pipes"

<https://newyork.cbslocal.com/2019/08/26/newark-water-emergency-lead-pipe-replacement/>

NEWARK, N.J. (CBSNewYork) – New Jersey Gov. Phil Murphy and Newark Mayor Ras Baraka announced a new plan Monday to fast-track the process of replacing all lead service pipes amid the city's ongoing water emergency. The plan would significantly reduce the time it would take to replace those pipes. Murphy and Baraka were joined by other elected officials to announce the latest solution to address elevated lead levels found in the city's drinking water. Sources familiar with the plan say Essex County will issue a \$120 million bond to replace the problematic lead service pipes. It drastically speeds up the ongoing project, which was initially scheduled to take eight to 10 years. Now, it's expected to take a year and a half to three years.

"The source water does not have lead in it at all," Baraka told MSNBC. "The issue is that they have lead service lines, and lead leeches from pipes and gets into the water, because our corrosion control stopped working some time ago. The EPA told us."

On Sunday, residents continued what's become a dreaded routine: picking up free bottled water. "It's been nerve wracking," one woman said. "I hope they get better," added another.

Earlier this month, the Environmental Protection Agency sounded the alarm, notifying officials about the unsafe drinking water. Add to that, the agency said some of the filters distributed to 15,000 residents were ineffective.

"There is a much more aggressive and broader testing going on as we speak, into the hundreds," said Murphy. "Were these filters faulty? We'll have a lot more information at that point to put the long term game plan."

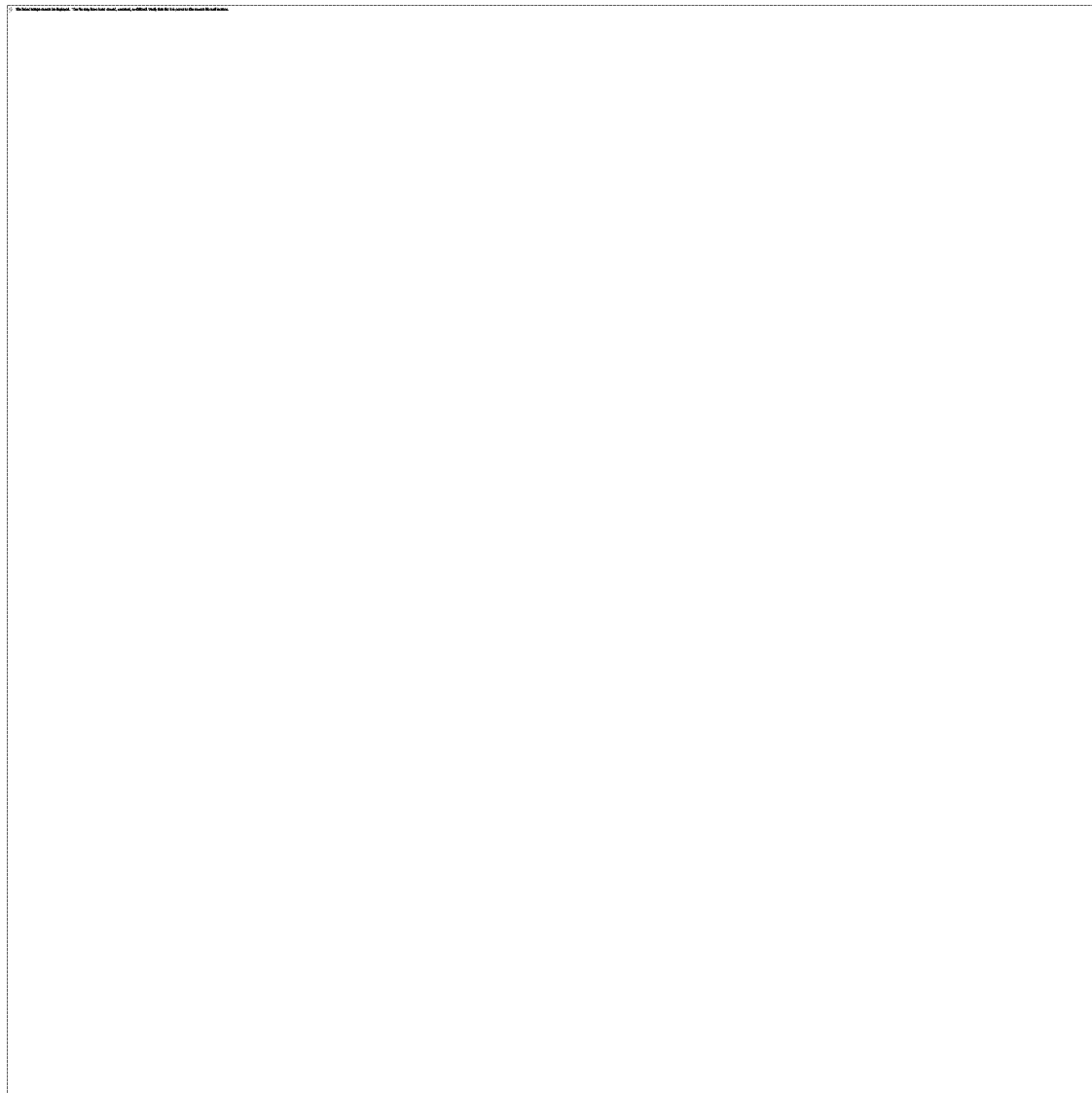
While officials implement their long term plan, residents continue to feel the immediate impact. "I've been spending a lot of money, basically every other week," said one woman.

A source told CBS2 a vote will be held Tuesday to declare a health emergency in the city. Essex County freeholders will also hold an emergency meeting to officially approve the bond.

Melissa A. Sullivan
Public Liaison Specialist
Office of Public Affairs
U.S. Environmental Protection Agency
202 564 4318
Sullivan.Melissa@epa.gov

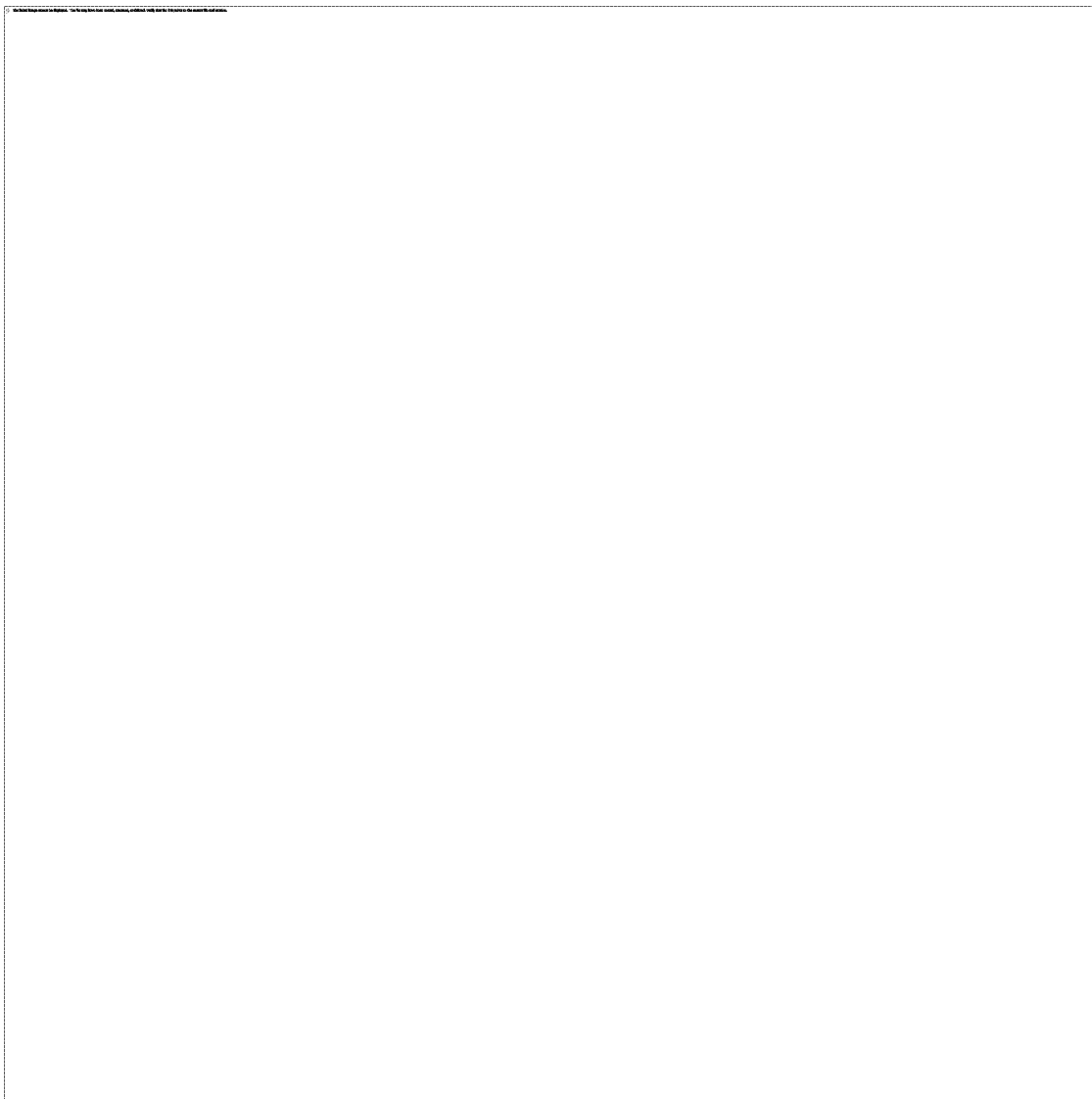
Message

From: EPA Press Office
[press=epa.gov@cmail20.com]
on EPA Press Office [press@epa.gov]
behalf
of
Sent: 2/1/2019 4:05:57 PM
To: adm15.arwheeler.email
[adm15.arwheeler.email@epa.gov]
Subject: Huffington Post Report Filled with Biased
and Misleading Claims



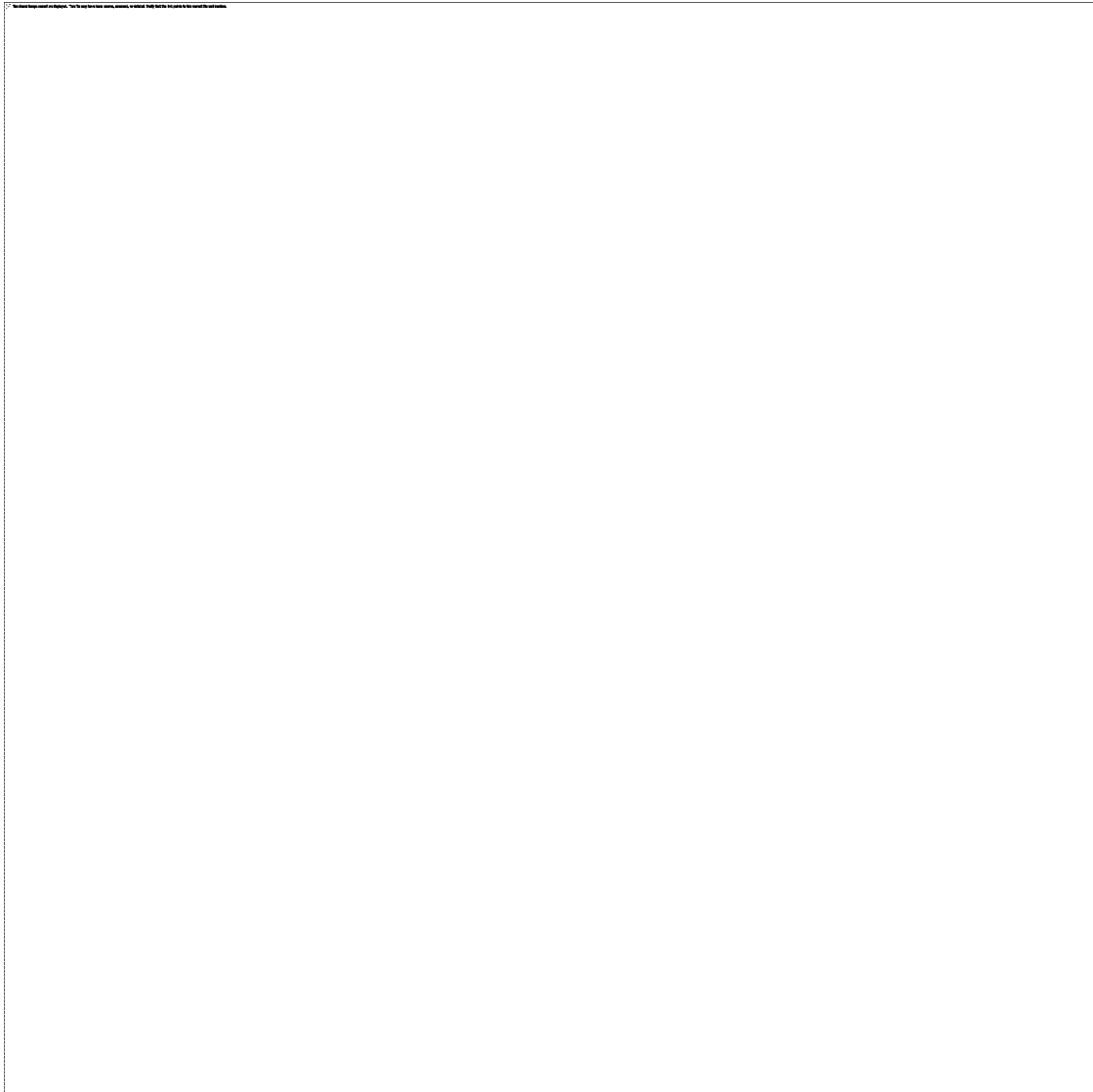
Huffington Post Report Filled with Biased and Misleading Claims

Yesterday, Huffington Post published a report filled with inaccuracies and misleading claims about U.S. Environmental Protection Agency (EPA) Acting Administrator Andrew Wheeler's career and tenure at EPA.



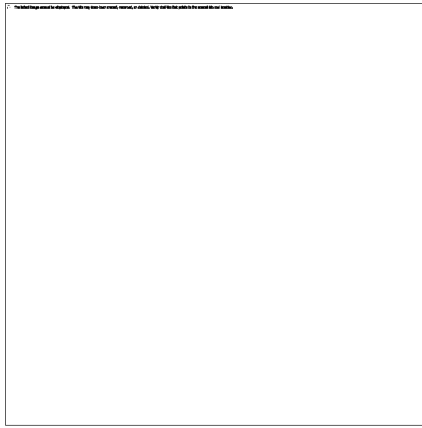
.....

HuffPost:



FACT CHECK: This accusation from the liberal interest group, Citizens for Responsible and Ethics in Washington (CREW), has no merit as Acting Administrator Wheeler, under the Trump Ethics Pledge and federal government ethics rules, would still be recused from meeting or working with Murray Energy in any capacity. CREW knowingly misinformed the public with their quote. You would think a group with ethics in its name would intimately know ethics rules.

Furthermore, CREW is nothing more than another David Brock project to attack the Trump Administration. In fact, in a [2017 memo presented](#) at a Democracy Alliance meeting to sway ultra wealthy donors, former chairman of CREW David Brock outlined how “we are going to resist the normalization of Donald Trump” and further listed off how a number of his affiliated groups including Media Matters for America, CREW, Shareblue, and American Bridge will lead the charge against the Trump Administration. The image below grouping the groups together was highlighted at the top of the memo:

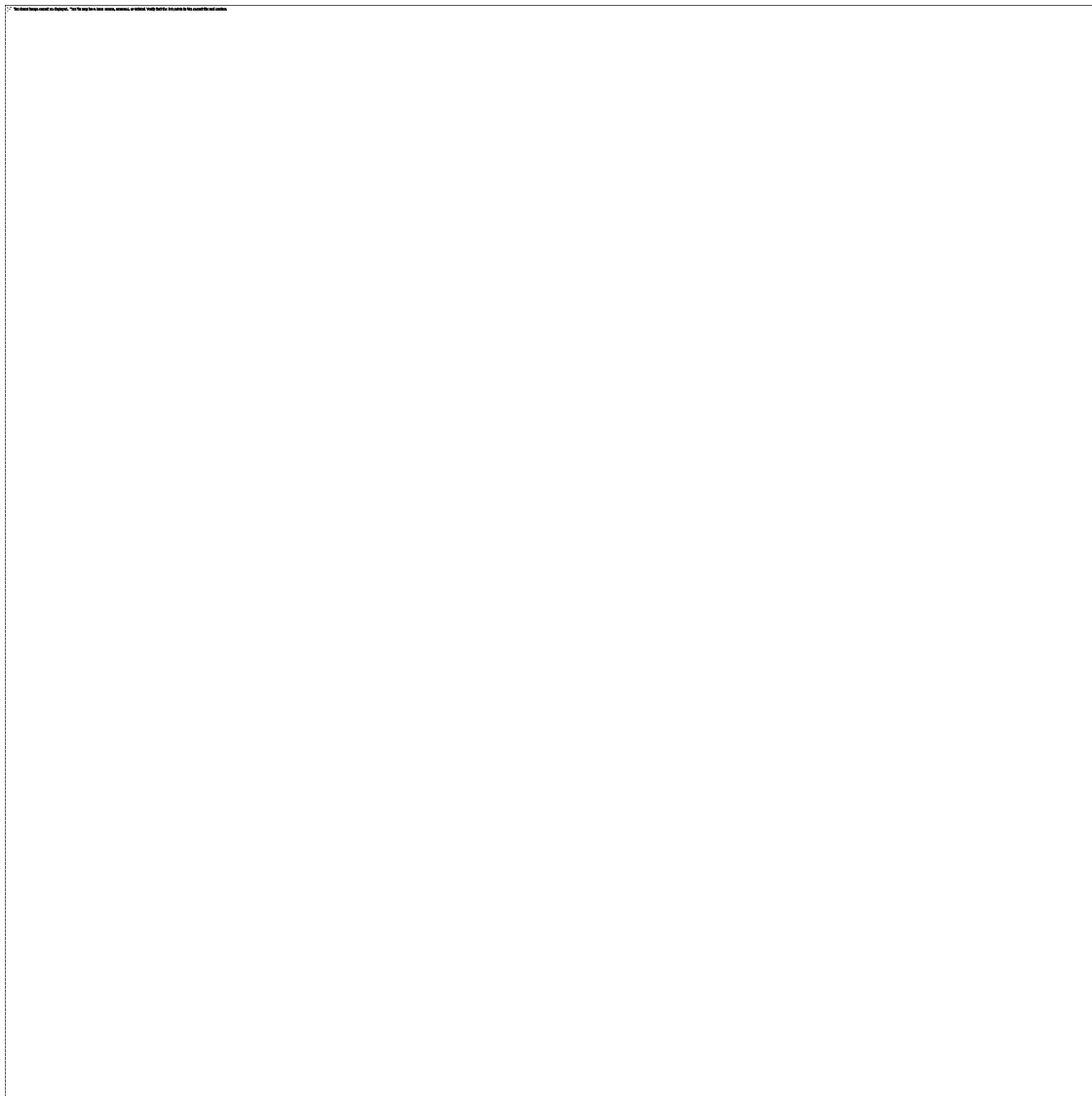


FACT CHECK: This is FAR from “nonpartisan.”

This is not the first time a mainstream media outlet has attempted to highlight CREW as a “nonpartisan” or “watchdog” group to criticize the Trump EPA in their reporting.

.....

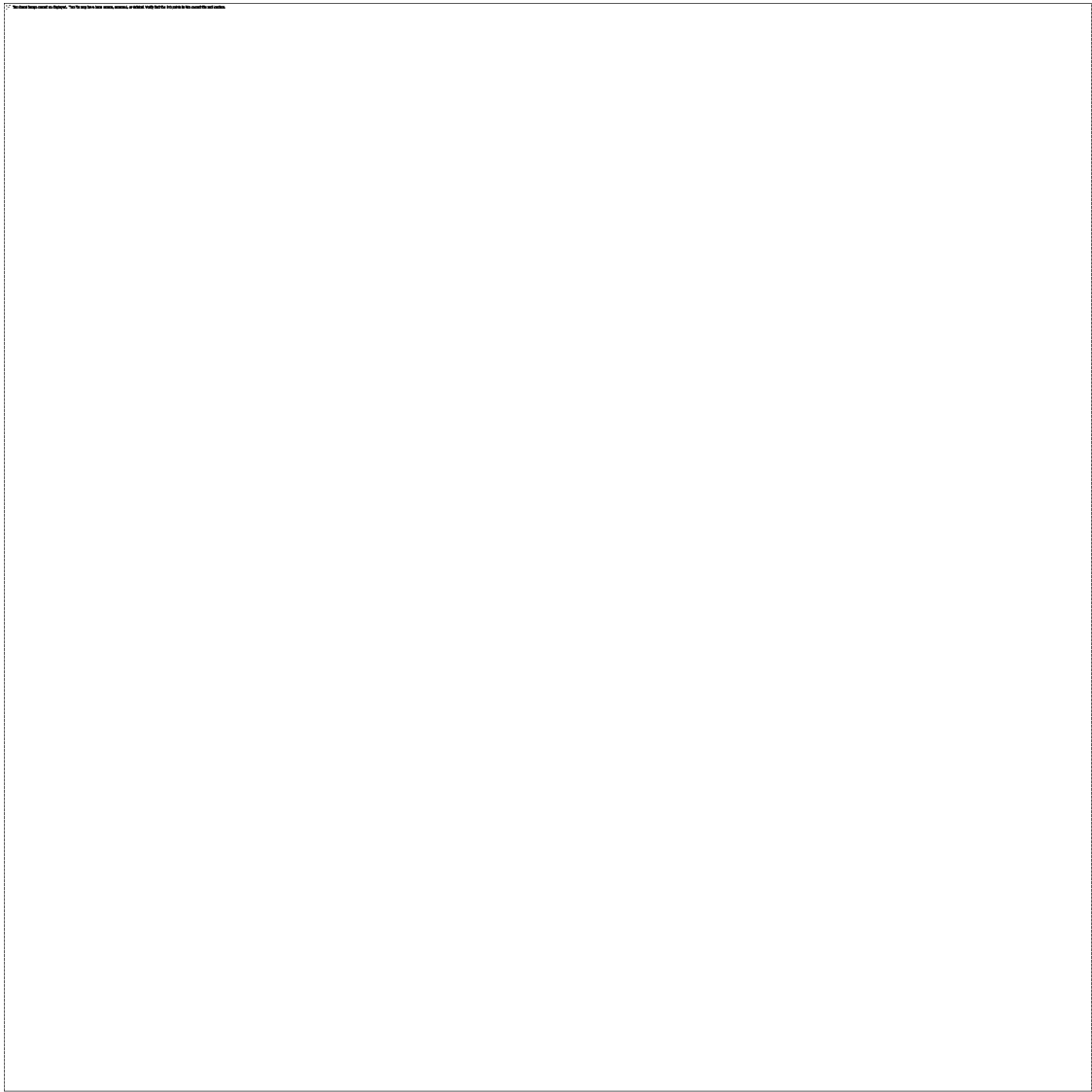
HuffPost:



FACT CHECK: As Acting Administrator Wheeler has previously stated on the record ([here](#) and [here](#) among others), he did not have a role in crafting the Murray Action Plan. Furthermore, Acting Administrator Wheeler has recused himself from meeting and working with Murray Energy for two years.

FACT CHECK: Acting Administrator Wheeler was only confirmed in his deputy role in April 2018 and did not become acting head of the Agency until July 9, 2018. To claim these actions were only carried out under his direction is demonstrably false, as many reporters who have followed the Trump EPA should know.

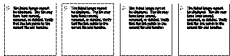
HuffPost:



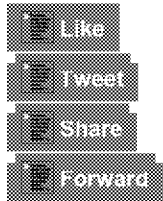
FACT CHECK: This sentence is incredibly misleading to trick the reader into thinking Vice President Mike Pence was present in the meeting.

XXXXXXXXXXXXXXXXXXXX

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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Message

From: Humphreys, Hayly [humphreys.hayly@epa.gov]
Sent: 2/15/2019 10:47:07 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
CC: Eby, Natasha [eby.natasha@epa.gov]; Molina, Michael [molina.michael@epa.gov]
Subject: RE: Updated Schedule

Leaving now! Have a great weekend!

Hayly Humphreys

Office of the Administrator
U.S. EPA

From: adm15.arwheeler.email
Sent: Friday, February 15, 2019 5:47 PM
To: Humphreys, Hayly <humphreys.hayly@epa.gov>
Cc: Eby, Natasha <eby.natasha@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Subject: Re: Updated Schedule

Go home

Sent from my iPhone

On Feb 15, 2019, at 5:44 PM, Humphreys, Hayly <humphreys.hayly@epa.gov> wrote:

Sir,

Please see updated schedule for Tuesday below. We will have a printed copy for you as well.

**Calendar for Acting Administrator Wheeler
Tuesday, February 19, 2019**

<image001.gif>	9:25 AM – 9:30 AM	<u>Brief meeting with Alex Dunn</u> Administrator's office
<image001.gif>	9:30 AM – 9:45 AM	<u>Remarks for Alex Dunn Swearing-in (Event from 9:30AM-10:30AM)</u> Green Room
<image001.gif>	10:15 AM – 10:45 AM	<u>Briefing: Ocean Litter APEC Meeting Download</u> Administrator's Office
<image001.gif>	10:45 AM – 11:15 AM	<u>Monthly check-in with OITA</u> Administrator's office

<image001.gif>	11:15 AM – 11:45 AM	<u>Monthly Check-in with ORD</u> Administrator's office
<image001.gif>	12:00 PM – 1:30 PM	<u>Executive Planning</u>
<image001.gif>	2:00 PM – 3:00 PM	<u>Senior Staff Meeting</u> Alm Room
<image001.gif>	3:00 PM – 4:00 PM	<u>PFAS Rollout Wrap Up</u> Alm Room
<image001.gif>	4:00 PM – 4:50 PM	<u>Briefing: Steam Electric Rule Options Selection</u> Alm Room
<image001.gif>	4:50 PM – 5:00 PM	<u>Depart for White House</u>
<image001.gif>	5:00 PM – 5:30 PM	<u>CAFE Meeting</u> White House

Message

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 9/24/2019 9:52:35 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Woods, Clint [woods.clint@epa.gov]
CC: Abboud, Michael [abboud.michael@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Block, Molly [block.molly@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]
Subject: 9.24.19: California SIP Letter Clips
Attachments: 9.24.19 CA SIP letter clips.docx

Sir,

Please see clips from the California SIP letter announcement:

9.24.19: California SIP Letter Clips



McClatchy/Sacramento Bee: Trump's EPA threatens California with highway funding cuts over 'worst air quality'

The Trump administration is ratcheting up its threats against California with a letter warning the state faces sanctions – including cuts in federal highway funding – over its “failure” to submit complete reports on its implementation of the Clean Air Act. In the letter to the California Air Resources Board, Andrew Wheeler, administrator of the Environmental Protection Agency, wrote that the state had the “worst air quality in the United States” and had “failed to carry out its most basic tasks” under the federal law.

ABC News: Trump administration ramps up fight with California as EPA threatens to withhold federal funds

The Trump administration is threatening to block California from receiving federal highway grants if it doesn't revise plans to address air pollution, saying the state has more cities that don't meet pollution limits than any other in the country. The move is the latest escalation between the administration and the liberal state less than a

week after the announcement last week that the agency will revoke California's waiver to set its own standards to limit greenhouse gas emissions from vehicles, setting up a legal battle with the state.

Associated Press: EPA targets California over poor air quality

The Trump administration's environmental battle with California intensified Tuesday, as the Environmental Protection Agency warned the state that it could lose federal highway funds if it doesn't clean up its air. In a letter sent Tuesday to the California Air Resources Board, the EPA described the state's air quality as the worst in the country with 34 million people living in areas that do not meet National Ambient Air Quality Standards. That is twice the number of people as in any other state, the agency said.

Axios: Trump administration threatens California with highway funding cuts

The Environmental Protection Agency has sent the California Air Resources Board a letter threatening to cut federal highway funding because of air pollution issues — claiming that the state has the "worst air quality" in the U.S. Why it matters: The letter, first reported by the Sacramento Bee, from EPA administrator Andrew Wheeler declaring that California has failed to "carry out its most basic tasks under the Clean Air Act" marks the latest in a series of battles between the Trump administration and the liberal state.

Bloomberg Environment: Trump Takes Fight With California to Its Smog-Choked Skies (2)

The Trump administration is escalating its fight against California by taking aim at its air pollution problem—a move the state's governor called a "brazen political stunt." The Environmental Protection Agency notified California in a letter Sept. 24 that it has failed to file complete plans for fighting conventional air pollution and may lose highway funding as punishment. The letter comes only days after the EPA said it would strip away two of the state's tools for fighting smog.

CBS-San Francisco: EPA, California Officials Exchange Legal Blows; State's Highway Funds Threatened

The Environmental Protection Agency's battle with California officials heated up another notch Tuesday, with the feds warning the state it could lose federal highway funds if it doesn't clean up its air. The federal threat came with hours of California Attorney General Xavier Becerra filing a federal lawsuit challenging the EPA's determination that 1,365 acres of salt ponds in Redwood City are not "waters of the United States" under the Clean Water Act.

Courthouse News: EPA Threatens to Cut California Road Funds Over 'Chronic' Smog

Amid a growing dispute over climate change and vehicle emissions standards, the Trump administration on Tuesday threatened to withhold highway funding and other federal grants from California over its "chronic air quality problems." U.S. Environmental Protection Agency Administrator Andrew Wheeler accused California in a letter of having hundreds of backlogged air quality improvement plans and 34 million people living in places with air quality below national standards. Wheeler claims California is failing to comply with its "most basic tasks" under the Clean Air Act.

CNET: Trump administration's EPA slams California air quality, could revoke highway funds

The Trump administration upped the ante in an ongoing war over emissions, pollution and the state of California on Tuesday after the EPA announced it has taken action on the state's air quality issues. Specifically, the Trump administration's EPA stated that Administrator Andrew Wheeler sent a letter to the California Air Resources Board Chairman, Mary Nichols, declaring that the federal government will begin to eliminate its backlog of California State Implementation Plans (SIPs). SIPs are regulations used in a specific territory or state to reduce air pollution in areas that do not meet National Ambient Air Quality Standards (NAAQS).

CNN: Trump raises stakes in fight with California by threatening to pull highway funds over state air quality plans

The Environmental Protection Agency is threatening to withhold federal highway funds from California in the latest skirmish between the Trump administration and the Golden State. On Tuesday, EPA Administrator

Andrew Wheeler sent a letter to California's Air Resource Board warning that it could face serious consequences if the state did not rescind 130 state air quality plans that have been backlogged. The move comes on the heels of President Donald Trump's statement last week that the EPA is investigating possible water quality violations by the city of San Francisco and the administration's move to rescind California's waiver allowing it to set higher auto emissions standards than the federal government.

E&E News: Trump EPA threatens Calif. highway funding

The Trump EPA is threatening to sanction California because of its lack of compliance with federal clean air standards, the latest salvo in its multipronged attack on the Golden State over climate change. In a letter released yesterday to the California Air Resources Board, EPA Administrator Andrew Wheeler threatened to revoke federal highway funds in retaliation for the state's halting compliance with the Clean Air Act.

The Hill: Trump administration threatens to withhold California's highway funds as state pushes for tougher emissions standards

The Trump administration is threatening to withhold highway funding from California over its air pollution — the latest move in a political showdown as the state fights to keep tougher vehicle emissions standards. Trump's Environmental Protection Agency (EPA) has rolled back the tougher standards California is fighting to keep, spurring a lawsuit from California and 23 other states on Friday.

Huffington Post: EPA Tells California It Has The 'Worst Air Quality' In America, Threatens Highway Funds

The Trump administration escalated its political war with California on Monday, threatening to withhold federal funding for the state's highways unless officials dealt with what they referred to as the "worst air quality in the United States." Andrew Wheeler, the administrator of the Environmental Protection Agency, said in a letter to California's Air Resources Board this week that the state had failed to address a backlog of air pollution control plans mandated by federal law. Unless the state takes action on about 130 plans, Wheeler said the EPA would begin a "disapproval process" that could impact billions in funding for its highways.

Inside EPA: After California Threat, EPA To 'Speak Closely' With Other States Over SIPs

EPA is vowing to "speak closely" with states over their delayed plans for attainment federal air quality standards, says a top agency official, following the Trump administration's threat to withhold federal highway funding from California unless the state acts quickly to submit "approvable" air quality plans to EPA. Speaking to reporters on background on a Sept. 24 teleconference, the agency official defended the threat, made in a Sept. 24 letter from EPA Administrator Andrew Wheeler to California Air Resources Board (CARB) Chair Mary Nichols demanding action to clear up the backlog of state implementation plans (SIPs). SIPs detail the emissions control measures states will implement to attain national ambient air quality standards.

Los Angeles Times: EPA reportedly threatens to cut California's highway funding over Clean Air Act 'failure'

The Trump administration is reportedly threatening to pull federal funding for highways and other transportation projects in California after the state has "failed" to submit complete pollution-control plans required by law. According to a letter obtained by the Sacramento Bee, Environmental Protection Agency Administrator Andrew Wheeler wrote to the California Air Resources Board that the state "has failed to carry out its most basic tasks under the Clean Air Act" since the 1970s. Wheeler specifically cites a backlog of reports that should detail state efforts to cut pollutant emissions under federal law.

NPR: Trump Administration Escalates Battle Over Environmental Regulations With California

The Trump administration has escalated its fight with California over environmental regulations. Environmental Protection Agency Administrator Andrew Wheeler sent a letter Monday to the California Air Resources Board threatening to withdraw billions of dollars in federal highway money unless the state clears a

backlog of air pollution control plans. "California has the worst air quality in the United States, with 82 nonattainment areas and 34 million people living in areas that do not meet National Ambient Air Quality Standards," Wheeler wrote.

New York Times: Trump Administration Threatens to Cut U.S. Highway Funds From California

The political war between California and the Trump administration escalated Monday with a letter from Andrew Wheeler, the head of the Environmental Protection Agency, warning that Washington would withhold federal highway funds from the state if it did not rapidly address a decades-long backlog of state-level pollution control plans. The letter is the latest parry between President Trump and the liberal West Coast state that he appears to relish antagonizing. California's recent actions on clean air and climate change policy have blindsided and enraged him, according to two people familiar with the matter.

Politico Pro: EPA: California highway funding threat about air quality, not retribution

A senior EPA official today defended EPA's threat to withhold highway funding from California as an effort to clean up the nation's worst air quality area, not a move to target the state that has pushed back against many Trump administration policies. EPA notified California on Monday in a letter that it should act soon on some 130 pending "state implementation plans" aimed at curbing ozone, particulate matter and other types of pollution that pose a public health risk — or risk losing federal highway money.

Reuters: Trump EPA Blasts California Air Quality, Threatens to Withdraw Highway Funds

The Trump administration escalated its fight with California on Tuesday, accusing the state of failing to enforce the U.S. Clean Air Act and threatening to withdraw billions of dollars in federal highway funds to the country's most populous state. California, which has imposed strict state standards limiting vehicle emissions in defiance of Trump's attempts to roll back regulations, has "the worst air quality in the United States," U.S.

Environmental Protection Agency (EPA) Administrator Andrew Wheeler wrote California Air Resource Board chief Mary Nichols in a letter dated Sept. 24.

San Francisco Chronicle: Trump EPA threatens to freeze California highway funding

The Trump administration is threatening to freeze California's federal highway funding and implement other sanctions against the state over its alleged failure to submit air pollution control plans as required under the federal Clean Air Act. In a letter dated Sept. 24 to California Air Resources Board Chairwoman Mary Nichols, Environmental Protection Agency Administrator Andrew Wheeler accused the state of failing for decades to "carry out its most basic tasks under the Clean Air Act," according to a document provided to The Chronicle by the Air Resources Board.

U.S. News & World Report: Trump's EPA Threatens to Pull Federal Highway Funds Over California Air Quality

THE ENVIRONMENTAL Protection Agency has threatened to take away billions of dollars in federal highway funding for California if it doesn't improve its plans to address air pollution – the latest battle in the war between the Trump administration and the state. The EPA said it sent the California Air Resources Board a letter dated Tuesday notifying the state agency that it is behind on air pollution plans that require the federal agency's approval.

Wall Street Journal: Trump Administration Threatens to Withhold California Transportation Funds

The Trump administration accused California of failing to take steps to fix air-quality problems in several parts of the state, putting it at risk of losing federal funding for its highways and other transportation projects. Officials at the U.S. Environmental Protection Agency on Tuesday sent a letter to California air quality officials about what they said are incomplete or unworkable air-pollution plans that state officials have submitted since the 1970s. Under the federal Clean Air Act, federal regulators review and approve those plans.

Washington Examiner: EPA threatens California over backlog of 100-plus air quality plans

The Environmental Protection Agency is threatening to withhold highway funds and permitting approvals from California until the state agrees to redo more than 100 air quality plans. California "has failed to carry out its most basic tasks under the Clean Air Act," EPA Administrator Andrew Wheeler wrote in a Sept. 24 letter to the state's top air regulator, Mary Nichols. Wheeler said in the letter that California represents about a third of the air quality plans the EPA has in a backlog, neither approved nor denied, and some of those plans date back to pollution limits from the 1970s.

Washington Free Beacon: Trump Admin Demands California Address 'Worst Air Quality' in U.S.

The Trump administration has warned the state of California that it will face consequences if it fails to submit plans addressing what the Environmental Protection Agency called the "worst air quality" of any state in the country, according to a Monday letter from the agency. The letter from EPA administrator Andrew Wheeler states that 34 million people in California are living in areas that don't meet federal air quality standards, a number twice as large as any other state in the country. It further states the plans California has submitted to the EPA, known as State Implementation Plans (SIPs), to address areas with inadequate air quality "have fundamental issues related to approvability" and must be resubmitted.

Washington Post: Trump officials threaten to withhold highway funds from California for its 'chronic air quality problems'

Trump administration officials threatened this week to withhold federal highway funds from California, arguing that it had failed to show what steps it is taking to improve its air quality. The move by the Environmental Protection Agency escalates the fierce battle between President Trump and the left-leaning state, and could put billions in federal funds in jeopardy.

ABC News

<https://abcnews.go.com/Politics/trump-administration-ramps-fight-california-epa-threatens-withhold/story?id=65823718>

Trump administration ramps up fight with California as EPA threatens to withhold federal funds

By Stephanie Ebbs

September 24, 2019

The Trump administration is threatening to block California from receiving federal highway grants if it doesn't revise plans to address air pollution, saying the state has more cities that don't meet pollution limits than any other in the country.

The move is the latest escalation between the administration and the liberal state less than a week after the announcement last week that the agency will revoke California's waiver to set its own standards to limit greenhouse gas emissions from vehicles, setting up a legal battle with the state.

"California has failed to carry out its most basic responsibilities under the Clean Air Act, and as a result, millions of Californians live in areas that do not meet our nation's air quality standards," Environmental Protection Agency chief Andrew Wheeler said in a statement.

Wheeler sent a letter to California's top air official on Tuesday saying the state's plans to improve air quality were insufficient and they could lose federal funds if they don't withdraw the old plans and submit new ones that correct the problems.

"California has the worst air quality in the United States, with 82 nonattainment areas and 34 million people living in areas that do not meet National Ambient Air Quality Standards -- more than twice as many people as any other state in the country," Wheeler said in the letter.

"As evidenced by the EPA's recent work on interstate air pollution issues as well as analysis accompanying its rulemakings, California's chronic air quality problems are not the result of cross-state air pollution or this Administration's regulatory reform efforts," he continued.

California has long had problems with air pollution, in part because of the high number of vehicles that can contribute to air pollution from vehicles like ozone, carbon monoxide and particulate matter that contribute to smog. California agencies have reported that pollution has decreased significantly since 1970, but many cities are still listed as failing to meet limits on those pollutants, according to EPA.

Under the Clean Air Act, the EPA has the authority to withhold federal funds from federal highway grants if the administrator determines a state has not submitted a plan to address areas that haven't met standards to reduce air pollution.

The law says that if a state hasn't submitted a new plan or corrected existing ones within 18 months after the finding, the administrator can block the state from receiving federal money for transportation projects, including those aiming to reduce pollution from vehicles.

EPA says California should withdraw 130 old plans to address air pollution in various parts of the state and submit new ones they say meet the requirements. After that, it could trigger an 18-month clock for the state to lose federal grant money or the administration to impose its own plan to deal with air pollution in the state.

California was approved to receive more than \$19 billion in federal highway grants between 2016 and 2020, according to the Federal Highway Administration, but the administration cannot withhold money from grants to improve safety problems or prevent accidents under the Clean Air Act.

The move comes less than a week after the administration announced it will revoke California's waiver to set its own standards on greenhouse gas emissions from cars, though an EPA senior official said Tuesday's announcement wasn't related to last week's announcement on California's clean cars waiver and that the administration chose to call out the state because it has the most areas that aren't in compliance with air quality standards and that some areas have not met the standards for decades.

A spokesman for the California Air Resources Board did not immediately respond to a request for comment Tuesday morning.

Former EPA officials call the move political, saying California has one of the most protective air programs in the country and that the agency typically works with states instead of "throwing a temper tantrum."

"One in three people in the US breathes unclean air. Trump should ask EPA to do more to clean the air instead of rolling back the clean car program and revoking California's authority to set its own clean car program. In my 18 years at EPA we never took a similar action against a state," Margo Oge, former director of EPA's office of transportation and air, said in a statement.

Last week, the president slammed the state's handling of homelessness and the administration refused to provide more federal help to address the problem.

Trump also said the EPA would cite the city of San Francisco for environmental violations related to homeless encampments during his trip to California last week. EPA officials declined to comment on any pending enforcement action but an EPA senior official said Tuesday's announcement was not related to Trump's comments.

Associated Press

<https://federalnewsnetwork.com/government-news/2019/09/epa-targets-california-over-poor-air-quality/>

EPA targets California over poor air quality

By Michael Casey

September 24, 2019

The Trump administration's environmental battle with California intensified Tuesday, as the Environmental Protection Agency warned the state that it could lose federal highway funds if it doesn't clean up its air.

In a letter sent Tuesday to the California Air Resources Board, the EPA described the state's air quality as the worst in the country with 34 million people living in areas that do not meet National Ambient Air Quality Standards. That is twice the number of people as in any other state, the agency said.

EPA called on the state to address a backlog in plans aimed at reducing air quality and to work with the agency to develop workable plans or risk highway funding sanctions and other penalties.

"California has failed to carry out its most basic responsibilities under the Clean Air Act, and as a result, millions of Californians live in areas that do not meet our nation's air quality standards," EPA Administrator Andrew Wheeler said. "EPA stands ready to work with California to meet the Trump Administration's goal of clean, healthy air for all Americans, and we hope the state will work with us in good faith."

The move by the EPA is the latest battle the Trump administration has picked with California over its environmental policies.

Last week, the Trump administration revoked California's authority to set its own emission standards — authority the state has had for decades under a waiver from the federal Clean Air Act.

In response, California sued to stop the Trump administration from revoking its authority to set greenhouse gas emission and fuel economy standards for cars and trucks, enlisting help from other states in a battle that will shape a key component of the nation's climate policy.

Federal law sets standards for how much pollution can come from cars and trucks. But since the 1970s, California has been permitted to set tougher rules because it has the most cars and struggles to meet air quality standards. On Thursday, the National Highway Traffic Safety Administration withdrew California's waiver.

California has also sued the Trump administration over its rollback of environmental and clean air regulations.

Axios

<https://www.axios.com/trump-california-highway-funds-cut-threat-68a0bae5-6e43-4dd7-8c3e-e75e60c126a0.html>

Trump administration threatens California with highway funding cuts

By Rebecca Falconer

September 24, 2019

The Environmental Protection Agency has sent the California Air Resources Board a letter threatening to cut federal highway funding because of air pollution issues — claiming that the state has the "worst air quality" in the U.S.

Why it matters: The letter, first reported by the Sacramento Bee, from EPA administrator Andrew Wheeler declaring that California has failed to "carry out its most basic tasks under the Clean Air Act" marks the latest in a series of battles between the Trump administration and the liberal state.

- The New York Times notes that while California upset Trump by introducing strict standards aimed at tackling climate change pollution from vehicles as the president tried to implement green policy rollbacks, "Wheeler's new letter to the state offers a twist on the narrative."

Driving the news: Trump warned while visiting California last week that the EPA would revoke its waiver under the Clean Air Act that enables the state to set CO2 emissions rules that exceed federal standards.

- California and 23 other states are suing the Trump administration for plans to revoke the state's authority to set stricter tailpipe emissions rules than the rest of the U.S.
- A federal judge issued a preliminary injunction last Thursday blocking a new California law requiring presidential candidates to release their tax returns in order to appear on the primary ballot — something the president has steadfastly refused to do.
- Trump threatened San Francisco last Wednesday that the EPA would issue a notice to the city declaring that it has committed environmental violations because of its homeless crisis.
- The president said he's considering an "individual task force" to tackle the issue of homelessness in California.

Trump Takes Fight With California to Its Smog-Choked Skies (2)

By Jennifer Dlouhy

September 24, 2019

The Trump administration is escalating its fight against California by taking aim at its air pollution problem—a move the state’s governor called a “brazen political stunt.”

The Environmental Protection Agency notified California in a letter Sept. 24 that it has failed to file complete plans for fighting conventional air pollution and may lose highway funding as punishment. The letter comes only days after the EPA said it would strip away two of the state’s tools for fighting smog.

EPA Administrator Andrew Wheeler chided the state for not doing enough to throttle conventional air pollution, noting that 82 California areas fail to meet federal air quality requirements, putting some 34 million of its residents at risk.

California “has failed to carry out its most basic tasks under the Clean Air Act” and is failing its residents with the “chronic air quality problems,” Wheeler said in his letter to the head of the California Air Resources Board.

If California doesn’t work with the U.S. EPA to develop complete, approved plans for implementing federal air quality standards—and withdraw unapproved plans now pending with the agency—it could be hit with highway funding sanctions and other consequences, Wheeler wrote.

“We certainly want to avoid these statutory triggers,” he wrote, “but our foremost concern must be ensuring clean air for all Americans.”

The move comes as the Trump administration fights California over auto rules, the state’s pact with carmakers to voluntarily reduce emissions and even trash from its homeless residents. Earlier this month, the Trump administration warned California the voluntary agreement with automakers was unlawful, after the Justice Department opened an antitrust probe into the deal.

And the EPA last week took formal action to repeal California’s power to mandate electric vehicles and limit tailpipe emissions of greenhouse gases. California, which says those requirements are necessary to fight smog, has filed a lawsuit in federal court challenging the move.

Although an EPA official cast the notification on Sept. 24 as part of a broader effort to winnow a backlog of unapproved anti-pollution plans, the official sidestepped questions about what other states have outsize backlogs or whether the agency had ever taken similar action against other offenders.

California Governor Gavin Newsom accused the White House of trying to bully the state.

“The White House has no interest in helping California comply with the Clean Air Act to improve the health and well-being of Californians,” Newsom said in an emailed statement. “This letter is a threat of pure retaliation.”

Margo Oge, a former director of the EPA transportation and air quality office, said the EPA did not take similar action against a state during her 18 years at the agency.

“President Trump’s punitive actions against California is nothing more than a two-year-old throwing a temper tantrum,” she said.

Representatives of the California Air Resources Board, which oversees air quality in the state, didn't immediately have a response.

Previously, board Chairman Mary Nichols has maintained that if the state can't set robust vehicle standards—like those being targeted by the Trump administration—it will need to pursue “extreme” alternatives to offset the uptick in pollution. That could include strict controls on the movement of vehicles, stiffer requirements for refineries processing fuel, fees and even bans on conventional vehicles with combustion engines, Nichols said in May.

A senior EPA official said Sept. 24 the agency wants to winnow a backlog of unapproved anti-pollution plans broadly and is only targeting California first because the state's 130 unapproved blueprints represent a disproportionate share of the problem. Many of California's stalled plans are inactive, lack essential information or are otherwise unapprovable, Wheeler said in his letter.

CBS-San Francisco

<https://sanfrancisco.cbslocal.com/2019/09/24/epa-california-officials-exchange-legal-blows-states-highway-funds-threatened/>

EPA, California Officials Exchange Legal Blows; State's Highway Funds Threatened

September 24, 2019

The Environmental Protection Agency's battle with California officials heated up another notch Tuesday, with the feds warning the state it could lose federal highway funds if it doesn't clean up its air.

The federal threat came with hours of California Attorney General Xavier Becerra filing a federal lawsuit challenging the EPA's determination that 1,365 acres of salt ponds in Redwood City are not "waters of the United States" under the Clean Water Act.

It was just the latest exchange of blows in what is becoming an extremely hostile relationship between the EPA and California.

In a letter sent Tuesday to the California Air Resources Board, the EPA described the state's air quality as the worst in the country with 34 million people living in areas that do not meet National Ambient Air Quality Standards. That is twice the number of people as in any other state, the agency said.

EPA called on the state to address a backlog in plans aimed at reducing air pollution and to work with the agency to develop workable plans or risk highway funding sanctions and other penalties.

"California has failed to carry out its most basic responsibilities under the Clean Air Act, and as a result, millions of Californians live in areas that do not meet our nation's air quality standards," EPA Administrator Andrew Wheeler said. "EPA stands ready to work with California to meet the Trump Administration's goal of clean, healthy air for all Americans, and we hope the state will work with us in good faith."

The move by the EPA is the latest battle the Trump administration has picked with California over its environmental policies.

Last week, the Trump administration revoked California's authority to set its own emission standards — authority the state has had for decades under a waiver from the federal Clean Air Act.

In response, California sued to stop the Trump administration from revoking its authority to set greenhouse gas emission and fuel economy standards for cars and trucks, enlisting help from other states in a battle that will shape a key component of the nation's climate policy.

Federal law sets standards for how much pollution can come from cars and trucks. But since the 1970s, California has been permitted to set tougher rules because it has the most cars and struggles to meet air quality standards. On Thursday, the National Highway Traffic Safety Administration withdrew California's waiver.

California has also sued the Trump administration over its rollback of environmental and clean air regulations.

In the dispute over development of salt marshes on the San Francisco Bay, California officials have joined actor/activist Robert Redford and a host of environmental groups at odds with the EPA's actions.

The Salt Ponds — an area adjacent to the San Francisco Bay and containing tidal channels and impoundments of bay waters — have been identified as a key area for restoration to improve the Bay ecosystem and to provide resiliency against sea level rise.

The EPA's decision, made at the request of developers, would allow this area to be built upon without the protections afforded by the Clean Water Act. In the lawsuit, Becerra called the action unlawful.

"The Trump Administration continues to endanger California's efforts to protect our environment and public health," Becerra said in a release. "It's a sad day when the country's 'environmental protection agency' looks at San Francisco Bay and doesn't see a body of water that it should protect. We should restore the Bay, not build on top of it. This unlawful proposal is simply an attempt by the EPA to overlook its obligation to protect our nation's waters in order to fast track development. President Trump, California's precious San Francisco Bay is not for sale."

EPA Threatens to Cut California Road Funds Over ‘Chronic’ Smog

By Nick Cahill

September 24, 2019

Amid a growing dispute over climate change and vehicle emissions standards, the Trump administration on Tuesday threatened to withhold highway funding and other federal grants from California over its “chronic air quality problems.”

U.S. Environmental Protection Agency Administrator Andrew Wheeler accused California in a letter of having hundreds of backlogged air quality improvement plans and 34 million people living in places with air quality below national standards. Wheeler claims California is failing to comply with its “most basic tasks” under the Clean Air Act.

“As evidenced by the EPA’s recent work on interstate air pollution issues as well as analysis accompanying its rulemakings, California’s chronic air quality problems are not the result of cross-state air pollution or this administration’s regulatory reform efforts,” Wheeler said in a letter to the California Air Resources Board, dated Sept. 24.

Wheeler’s letter comes on the heels of the state’s latest high-profile lawsuit against the Trump administration, this time over California’s longstanding right to set emissions rules that are stricter than the federal government’s.

CNET

<https://www.cnet.com/roadshow/news/trump-epa-california-air-quality-emissions-funds/>

Trump administration's EPA slams California air quality, could revoke highway funds

By Sean Szymkowski

September 24, 2019

The Trump administration upped the ante in an ongoing war over emissions, pollution and the state of California on Tuesday after the EPA announced it has taken action on the state's air quality issues.

Specifically, the Trump administration's EPA stated that Administrator Andrew Wheeler sent a letter to the California Air Resources Board Chairman, Mary Nichols, declaring that the federal government will begin to eliminate its backlog of California State Implementation Plans (SIPs). SIPs are regulations used in a specific territory or state to reduce air pollution in areas that do not meet National Ambient Air Quality Standards (NAAQS).

NAAQS, by default, work to ensure Americans breathe clean air. The EPA argues California has failed to ensure this to its citizens.

"California has failed to carry out its most basic responsibilities under the Clean Air Act, and as a result, millions of Californians live in areas that do not meet our nation's air quality standards," Wheeler said in the letter. He added the agency is ready to work with California to fix air quality issues, but threatened consequences if the state does not act.

CARB did not respond to a request for comment following Administrator Wheeler's letter.

If California fails to begin withdrawing SIPs that are inactive or do not meet EPA criteria, the agency proclaimed it has the ability with the federal government to, at most, revoke federal highway funds for the state. California receives billions of dollars in federal funds for its highway system. It's also the most populous state in the country.

The EPA said if the state does not withdraw these SIPs it may also evaluate them itself and develop federal plans to "protect public health" in the state. "We certainly want to avoid these statutory triggers, but our foremost concern must be ensuring clean air for all Americans. That is our goal," Wheeler added in the letter.

The move is the latest shot fired at California from the Trump administration following confirmation it will revoke the state's waiver process. The system, signed into law as part of the 1970 Clean Air Act, allowed California to apply for additional waivers to oversee more stringent regulations to combat air quality issues. In 2013, the Trump administration believes a specific waiver granting it authority over greenhouse gas emissions went too far. California has already announced it will lead a legal challenge against the administration that could prove lengthy.

CNN

<https://edition.cnn.com/2019/09/24/politics/epa-california-clean-air-warning/>

Trump raises stakes in fight with California by threatening to pull highway funds over state air quality plans

By Ellie Kaufman and Nick Watt

September 24, 2019

The Environmental Protection Agency is threatening to withhold federal highway funds from California in the latest skirmish between the Trump administration and the Golden State.

On Tuesday, EPA Administrator Andrew Wheeler sent a letter to California's Air Resource Board warning that it could face serious consequences if the state did not rescind 130 state air quality plans that have been backlogged.

The move comes on the heels of President Donald Trump's statement last week that the EPA is investigating possible water quality violations by the city of San Francisco and the administration's move to rescind California's waiver allowing it to set higher auto emissions standards than the federal government.

"California has failed to carry out its most basic responsibilities under the Clean Air Act, and as a result, millions of Californians live in areas that do not meet our nation's air quality standards," Wheeler said in a statement.

In Wheeler's letter, he says that California has the "worst air quality in the United States, with 82 nonattainment areas and 34 million people living in the areas that do not meet National Air Quality Standards -- more than twice as many people as any other state in the country."

California Democratic Gov. Gavin Newsom blasted the latest administration action, calling it a "brazen political stunt."

"The White House has no interest in helping California comply with the Clean Air Act to improve the health and well-being of Californians. This letter is a threat of pure retaliation," Newsom said in a statement Tuesday.

These environmental policy fights between California and the Trump administration are part of a bigger political fight, according to CNN senior political analyst Ron Brownstein.

"President Trump is governing as a wartime president," Brownstein said. "Only that the war is against blue America. He is using the power of the federal government to try to constrain and even punish blue states and blue cities that are not part of his political coalition."

Newsom appears to be positioning himself as a proud leader in the fight against the climate crisis. Last week after the EPA announced the end of California's waiver that allowed the state to set its own tailpipe emissions standards, Newsom told reporters, "Let me quote Pericles, who said, 'We do not imitate. For we are a model to others.'"

"We have the moral authority -- and that is something missing in this White House," the governor added. Brownstein said Newsom "is always balancing between the undeniable appeal of fighting with Trump," calling it "good politics in California," but noting that "there are a lot of ways the federal government can make life difficult for a state."

State implementation plans are regulations that parts of states use to reduce air pollution in areas that don't already meet National Ambient Air Quality Standards. These standards were established under the Clean Air Act and are updated periodically.

California has the biggest share of unapproved backlogged air quality plans, with 130 out of 350 total, EPA officials said. On a call with reporters arranged by EPA about the issue on the condition officials are not quoted by name, a senior EPA official did not name any of the other states with high backlogs.

"We believe that states across the country should withdraw inactive state implementation plans that date back in some places years or decades and in many cases have fundamental approvability issues," a senior EPA official said on the call. "So, we will be communicating with states across the country on this front. California is a unique situation."

Trump EPA threatens Calif. highway funding

By Maxine Joselow

September 24, 2019

The Trump EPA is threatening to sanction California because of its lack of compliance with federal clean air standards, the latest salvo in its multipronged attack on the Golden State over climate change.

In a letter released yesterday to the California Air Resources Board, EPA Administrator Andrew Wheeler threatened to revoke federal highway funds in retaliation for the state's halting compliance with the Clean Air Act.

The EPA chief wrote that the state had the "worst air quality in the United States" and had "failed to carry out its most basic tasks" under the bedrock environmental law.

The Clean Air Act requires states to submit state implementation plans — commonly known as SIPs — outlining their efforts to comply with federal ambient air quality standards for ozone, particulate matter and four other criteria pollutants.

But according to Wheeler, EPA faces a severe backlog of SIPs and California is largely to blame.

"The state of California represents a disproportionate share of the national list of backlogged SIPs, including roughly one-third of EPA's overall SIP backlog," the EPA chief wrote. "California's total portion of the SIP backlog is more than 130 SIPs, with many dating back decades."

Wheeler gave California air regulators until Oct. 10 to withdraw their "incomplete" SIPs and submit new plans covering 82 municipalities facing noncompliance.

If the regulators fail to meet that deadline, Wheeler wrote, the state could be penalized with federal highway funding cuts or New Source Review permitting sanctions. The Trump EPA could also impose its own federal implementation plan.

EPA's move is the latest in a string of attacks on the Golden State over its efforts to reduce air pollution and combat climate change.

President Trump last week threatened to hit California with an environmental violation over its homeless population. The president claimed, without evidence, that homeless people in San Francisco were discarding used needles in storm sewers and contributing to "tremendous pollution" in the ocean.

"It's a terrible situation — that's in Los Angeles and in San Francisco," Trump told reporters aboard Air Force One. "We're going to be giving San Francisco, they're in total violation, we're going to be giving them a notice very soon."

Also last week, Trump announced his intent to revoke California's Clean Air Act waiver for greenhouse gases, which allows the state to set tougher vehicle emissions standards than the federal government (Greenwire, Sept. 18).

At a news conference at EPA headquarters, Wheeler and Transportation Secretary Elaine Chao defended the waiver revocation as a return to "one national program" for fuel efficiency (Greenwire, Sept. 19).

"We embrace federalism and the role of states. But federalism does not mean that one state can dictate standards for the entire country," Wheeler said.

Critics, however, contend that Trump harbors a personal grudge against California, a liberal bastion that has opposed his administration on issues including immigration, health care and the environment.

"Trump has married his administration-wide hostility to the environment to his personal vendetta against California," Dan Becker, executive director of the Safe Climate Campaign, said in a statement.

Critics also note a certain irony in EPA's move: For decades, California has relied heavily on the Clean Air Act waiver to comply with federal ambient air quality standards.

Indeed, the waiver has allowed California to promulgate a zero-emission vehicle program that has slashed emissions from transportation, which accounted for 41% of statewide emissions in 2017.

"Just as the Trump administration is taking yet another political pot shot at California, it's also trying to undercut the zero-emission vehicle program there, which is one crucial way the state is trying to cut down on soot and smog," David Pettit, a senior attorney at the Natural Resources Defense Council, said in a statement.

"If the EPA is serious about wanting to help California's air quality, it should drop its attack on this important initiative to cut pollution," Pettit said.

On a call with reporters this morning, a senior EPA official pushed back on the notion that today's action fit into a pattern of hostility toward California.

"That's not the correct perspective here," the official said, adding, "This is related to California's continued inability to carry out basic tasks under the Clean Air Act."

In response to a question from E&E News, the official said the action had nothing to do with Trump's comments last week about the state's homeless population.

"Yesterday's letter is unrelated to anything on the water front," the person said. "It's just related to California's state implementation plans under the Clean Air Act."

The official declined to say whether EPA would pursue a separate violation against San Francisco over its alleged water pollution problem.

The White House didn't immediately respond to a request for comment.

The Hill

<https://thehill.com/policy/energy-environment/462748-trump-administration-threatens-to-withhold-californias-highway>

Trump administration threatens to withhold California's highway funds as state pushes for tougher emissions standards

By Rebeca Beitsch

September 24, 2019

The Trump administration is threatening to withhold highway funding from California over its air pollution — the latest move in a political showdown as the state fights to keep tougher vehicle emissions standards.

Trump's Environmental Protection Agency (EPA) has rolled back the tougher standards California is fighting to keep, spurring a [lawsuit](#) from California and 23 other states on Friday.

In a letter to California leaders, EPA Administrator [Andrew Wheeler](#) said the state owes the agency an urgent turnaround on a backlog of air pollution plans.

"Since the 1970s, California has failed to carry out its most basic tasks under the Clean Air Act. California has the worst air quality in the United States," Wheeler wrote, saying the state has 34 million residents breathing air that does not meet National Ambient Air Quality Standards.

The letter was first reported by the [Sacramento Bee](#) late Monday.

"The White House has no interest in helping California comply with the Clean Air Act to improve the health and well-being of Californians," Gov. [Gavin Newsom](#) said in a statement to The Hill. "This letter is a threat of pure retaliation. While the White House tries to bully us and concoct new ways to make our air dirtier, California is defending our state's clean air laws from [President Trump](#)'s attacks. We won't go back to the days when our air was the color of mud. We won't relive entire summers when spending time outside amounted to a public health risk. We won't be intimidated by this brazen political stunt."

The more stringent vehicle emissions standards California is fighting to keep are tied to its efforts to clean the state's air. The state is also in the midst of an effort to strike a deal with automakers to produce more fuel efficient vehicles.

"The standards that we are now in the process of enforcing are necessary to protect the public health and welfare, not just because we care about the future of the planet or polar bears, it's because we actually need these extra clean cars in order to meet the health standards that are set by the federal government that we violate now on a very regular basis throughout Southern California and the San Joaquin Valley," California Air Resources Board Chairwoman Mary Nichols said in a recent press conference announcing the state's [intent to fight](#) the Trump rollbacks.

The EPA also [revoked the waiver](#) California has relied on for roughly 50 years to set the higher standards.

While California said it will fight to preserve states' rights, now at risk for the state is some \$19 billion in transportation funding it is projected to receive between the 2016 to 2020 budgets.

Wheeler said the state has 130 outdated plans across various regions, some of which date back decades. He gave the state until Oct. 10 to respond, nodding to withholding federal highway funds.

"We certainly want to avoid these triggers, but our foremost concern must be ensuring clean air for all Americans," Wheeler wrote.

In a call with reporters to discuss Wheeler's letter, a top EPA official stressed the move was not a form of retaliation.

"Yesterday's letter is unrelated to last week's announcement," that the EPA would revoke California's waiver, the official said. "This is related to California's continued inability to carry out or attain basic requirements under the Clean Air Act."

The official said the EPA may send similar letters to other states, but could not list other states that also had a high number of backlogged plans, saying only that California represented a disproportionate share.

"There's a strong reason for the focus here. If you're in a hole the first thing is to stop digging," he said.

California doesn't have to meet the air quality standards to keep receiving highway funding, but the EPA could move to withhold funds if the state does not submit an acceptable plan or implement the measures set out in it.

Highway funding can be withheld 24 months after the EPA has determined the state efforts are inadequate unless Wheeler takes action to fast-track the process.

John Walke, clean air director for the Natural Resources Defense Council, said it's hypocritical for EPA to take away tools California needs to improve its air quality while rolling back other regulations designed to curb pollution.

Walke also questioned EPA's decision to ask California to withdraw its old plans when EPA has the power to reject the plans outright.

"Merely raising the specter of highway funds withdrawn is brute political force but California is shrewd and is not going to buckle in the face of their bluff," he said. "Disapproval requires hundreds of hours of his staff to figure out what should be disapproved for plans that have been in EPA offices for years or even decades in some cases."

Huffington Post

https://www.huffpost.com/entry/epa-california-highway_n_5d89a6c1e4b0d269465370d6

EPA Tells California It Has The 'Worst Air Quality' In America, Threatens Highway Funds

By Nick Visser

September 24, 2019

The Trump administration escalated its political war with California on Monday, threatening to withhold federal funding for the state's highways unless officials dealt with what they referred to as the "worst air quality in the United States."

Andrew Wheeler, the administrator of the Environmental Protection Agency, said in a letter to California's Air Resources Board this week that the state had failed to address a backlog of air pollution control plans mandated by federal law. Unless the state takes action on about 130 plans, Wheeler said the EPA would begin a "disapproval process" that could impact billions in funding for its highways.

"Since the 1970s, California has failed to carry out its most basic tasks under the Clean Air Act," Wheeler wrote in a letter dated Sept. 24, which was first reported by The Sacramento Bee. "California has the worst air quality in the United States."

Wheeler requested a response from state officials by Oct. 10. The Bee notes that California was projected to receive around \$19 billion in funding from the Federal Highway Administration from 2016 to 2020.

The White House has locked horns with California over environmental issues for months. Last week, the Trump administration said it would revoke California's legal authority to set its own auto emissions standards, part of its effort to roll back strict emissions standards set by the Obama administration as a key part of its effort to tackle climate change. California sued the Trump administration shortly after the move was announced, joining nearly two dozen other states.

The Trump administration has also been wielding the power of the EPA in recent months as a means to hit back at the state's efforts to set its own pollution and climate change standards, even as the White House has rolled back or eliminated dozens of environmental regulations.

Last week, Trump said he planned to order the EPA to tell San Francisco it was in "total violation" of federal regulations, citing used syringes and other pollution he said was linked to the state's homeless populations. Officials in the city fired back, saying there was no evidence to back up the president's claims.

The New York Times reported early Tuesday that Trump has been angered by California's efforts to circumvent his administration's rollbacks of environmental rules. The outlet said that in response, the White House has focused on efforts to punish the state.

Wheeler wrote in his letter this week that the state's backlog of air pollution control plans had impacted up to 34 million Californians and that the agency was only moving to address decades of lapses in environmental monitoring.

"Our foremost concern must be ensuring clean air for all Americans," he wrote. "That is our goal."

Inside EPA

<https://insideepa.com/daily-news/after-california-threat-epa-%E2%80%98speak-closely%E2%80%99-other-states-over-sips>

After California Threat, EPA To ‘Speak Closely’ With Other States Over SIPs

By Stuart Parker

September 24, 2019

EPA is vowing to “speak closely” with states over their delayed plans for attainment federal air quality standards, says a top agency official, following the Trump administration’s threat to withhold federal highway funding from California unless the state acts quickly to submit “approvable” air quality plans to EPA.

Speaking to reporters on background on a Sept. 24 teleconference, the agency official defended the threat, made in a Sept. 24 letter from EPA Administrator Andrew Wheeler to California Air Resources Board (CARB) Chair Mary Nichols demanding action to clear up the backlog of state implementation plans (SIPs). SIPs detail the emissions control measures states will implement to attain national ambient air quality standards.

Asked by a reporter whether EPA would send similar threatening letters to other states with outstanding or non-approvable SIPs, the official also said the agency in the near future would “speak closely” with other states in this position -- but did not indicate that EPA would send them letters threatening sanctions.

Under the Clean Air Act, the agency has authority to withhold highway funds for states that fail to meet their SIP requirements. However, EPA has never used this power against a state.

Many opponents of the move view it as a further escalation in the Trump administration’s conflict with California over environmental regulation, coming only days after the administration revoked California’s authority to impose tougher greenhouse gas standards on vehicles than federal regulations require.

Former EPA air officials, congressional Democrats and others were harshly critical of the development, some calling it a “temper tantrum” and even a “full war” on California by President Donald Trump.

California Gov. Gavin Newsom (D) in a Sept. 24 statement said Wheeler’s letter is retaliation for the state’s plan to pursue stricter vehicle greenhouse gas standards than the federal government, and other policies.

“The White House has no interest in helping California comply with the Clean Air Act to improve the health and well-being of Californians. This letter is a threat of pure retaliation. While the White House tries to bully us and concoct new ways to make our air dirtier, California is defending our state’s clean air laws from President Trump’s attacks.” Newsom added, “We won’t be intimidated by this brazen political stunt.”

Gay MacGregor, a former senior policy advisor in EPA’s Office of Transportation and Air Quality (OTAQ) said, “Sanctioning California for not having a plan that gets California into compliance with national clean air standards while at the same time taking away California authority to set its own emissions standards for passenger cars make zero sense. In fact it just makes the case for California to have its own authority stronger.”

Further, “The Trump EPA can try to come up with a Federal Implementation Plan [FIP] to get California into compliance with national clean air standards but to succeed it will have to more stringently regulate all the sources California is prohibited from regulating. Good luck with that,” she said.

However, one Republican source said the reaction is overblown, and that Wheeler’s intervention is merely “good college fun.” With respect to withholding of federal highway funds, the source notes that this “particular sanction has never actually been applied.”

In 2014, when EPA was pushing ahead with its GHG rule for existing utilities, a top GOP consultant urged states against crafting compliance plans and said the agency would be unable to impose highway fund sanctions on them if they refused to comply. The agency's rule ultimately included a provision in the rule barring EPA from withholding highway funds for such a refusal.

'Unique Situation'

On the press call about the threat to California, the EPA senior official insisted the move is unrelated to EPA's decision to rescind the state's Clean Air Act waiver authority to set stricter vehicle GHG standards than the federal government, and is instead about California's "unwillingness to do the most basic work."

Pressed on why EPA had singled out California alone for its contribution to the overall backlog of SIPs awaiting approval by EPA, the official focused on the disproportionate number of such plans in California -- more than 130, or roughly one-third of the total.

The official said California's division into several air quality management districts contributed to its "unique situation," involving multiple state government entities and complicating the process of writing SIPs.

Wheeler in his letter to Nichols threatened to disapprove outstanding California SIPs and to start a clock toward imposition of federal sanctions and direct federal regulation.

California has "failed to carry out its most basic tasks under the Clean Air Act" by not submitting adequate SIPs on time, according to Wheeler's letter. Once EPA disapproves a SIP, it has two years to impose a FIP.

California could also be faced with tougher terms for issuance of new source review (NSR) air permits to industry, contradicting the Trump EPA's ongoing goal of easing NSR permitting.

Wheeler writes that California "has the worst air quality in the United States," and lays the blame at the state's door.

"California's chronic air quality problems are not the result of cross-state air pollution or this Administration's regulatory reform efforts," Wheeler writes.

He gives CARB until Oct. 10 to respond "indicating whether it intends to withdraw these SIPs" and replace them with "complete, approvable SIPs." Withholding of federal highway funds would be a drastic step, as California is a major recipient of the funding.

The Obama administration also undertook efforts to clear the nationwide SIP backlog, a process that requires close collaboration between state and federal air regulators. Wheeler says this remains a priority to the Trump administration, stating in his letter that, "I have recommended the EPA to act quickly to approve or disapprove SIPs and to dramatically reduce the backlog of SIPs nationally."

In response to the letter, former Obama EPA acting air chief Janet McCabe said, "This is a remarkable move and contrary to the principle of cooperative federalism that is the foundation of Clean Air Act protections. It is also ironic, given that California has put in place the most protective air programs in the country. EPA should be working with the state, not looking for ways to publicly punish it."

And former Obama OTAQ chief Margo Oge -- an architect of the federal vehicle standards that the Trump EPA is rolling back -- was more direct. "President Trump's punitive actions against California is nothing more than a two year old throwing a temper tantrum," Oge said, indicating that California's recent deal with four major automakers to reduce vehicle emissions has tipped Trump into "a full war against California."

Los Angeles Times

<https://www.latimes.com/politics/story/2019-09-24/trump-administration-epa-california-highway-funding-clean-air-act-failure>

EPA reportedly threatens to cut California's highway funding over Clean Air Act 'failure'

By Alexa Diaz

September 24, 2019

The Trump administration is reportedly threatening to pull federal funding for highways and other transportation projects in California after the state has "failed" to submit complete pollution-control plans required by law.

According to a letter obtained by [the Sacramento Bee](#), Environmental Protection Agency Administrator Andrew Wheeler wrote to the California Air Resources Board that the state "has failed to carry out its most basic tasks under the Clean Air Act" since the 1970s. Wheeler specifically cites a backlog of reports that should detail state efforts to cut pollutant emissions under federal law.

Wheeler warned that if California fails to withdraw its "backlogged and unapprovable" reports and work with the EPA to develop complete ones, the administration could hand down sanctions that would mean cuts to highway funding and allow the federal government to develop its own plans.

The letter, which is dated Tuesday and requests a response from state officials by Oct. 10, comes days after several states led by California [filed a lawsuit](#) against the Trump administration, challenging its decision to revoke a decades-old rule that empowers California to set tougher car emissions standards than those required by the federal government.

In Tuesday's letter, Wheeler writes that California "has the worst air quality in the United States," alleging that 34 million people in California live in areas that don't meet federal air pollution standards — "more than twice as many people as any other state in the country."

Wheeler wrote that the EPA is working to "dramatically reduce" a backlog of state implementation reports, and that California disproportionately represents one-third of the national list with 130 reports, some decades old.

If implemented, the EPA's sanctions could take a significant toll on California, which the Sacramento Bee reports receives more highway funds than any other state.

The threat follows President Trump's [trip to California](#) last week in which he ramped up his attacks on the state over its homeless crisis. He also [threatened](#) San Francisco with some type of violation notice for its "tremendous pollution" flowing into the ocean because of waste in storm sewers, specifically citing used needles.

"It's a terrible situation — that's in Los Angeles and in San Francisco," Trump said, according to a pool report from Air Force One. "And we're going to be giving San Francisco — they're in total violation — we're going to be giving them a notice very soon."

It remains unclear if San Francisco violated any rules.

McClatchy/Sacramento Bee

<https://www.sacbee.com/news/politics-government/capitol-alert/article235397887.html>

Trump's EPA threatens California with highway funding cuts over 'worst air quality'

By Michael Wilner

September 24, 2019

The Trump administration is ratcheting up its threats against California with a letter warning the state faces sanctions – including cuts in federal highway funding – over its “failure” to submit complete reports on its implementation of the Clean Air Act.

In the letter to the California Air Resources Board, Andrew Wheeler, administrator of the Environmental Protection Agency, wrote that the state had the “worst air quality in the United States” and had “failed to carry out its most basic tasks” under the federal law.

That law requires states to submit implementation plans to the EPA outlining their efforts to cut emissions of six types of pollutants. When President Donald Trump entered office, the administration faced a backlog of over 700 reports, and roughly 140 of those that remain are from California, Wheeler said in an interview.

“When I learned about this a couple months ago, the question I asked the staffer was, ‘why are we holding on to these – why haven’t we acted?’” Wheeler told McClatchy. “And the response I got back was, ‘we didn’t want to deny them and they couldn’t approve them.’ Well that’s ridiculous to allow 34 million people to live in areas not in compliance with our air standards.”

The administration will give California until October 10 to rescind their “incomplete” plans and resubmit new reports addressing 82 municipalities facing noncompliance.

Its failure to do so will result in “disapproval,” another EPA official said, triggering “sanctions clocks” under the law that would penalize the state with cuts to highway funding – and allow the federal government to impose an implementation plan of its own.

That could amount to a substantial penalty for a state that receives more highway funds than any other state in the country. According to [the Department of Transportation](#) California is projected to receive more than \$19 billion from the Federal Highway Administration between fiscal years 2016 and 2020.

Wheeler’s warning to California is the Trump administration’s latest front in a protracted battle with the state over climate change and, in particular, the state’s unique authority to set its own standards for carbon dioxide emissions – a potent greenhouse gas. The EPA moved last week to rescind the federal waiver allowing California to do so, granted by the Clean Air Act of 1970, prompting a lawsuit from California joined within hours by 22 other states.

The administration is moving separately to write new auto emissions standards that would apply to the entire country, rolling back stricter requirements that were set by the Obama administration in agreement with California in 2012.

California leaders, however, have attempted to go around the administration, negotiating their own agreement with automakers to voluntarily lower emissions on new cars built through 2026. Thus far, four leading manufacturers have joined the agreement: Ford, Honda, BMW and Volkswagen.

California Gov. Gavin Newsom blasted Trump during remarks at a climate conference in New York on Monday, accusing the Republican president of infringing on states’ rights by undermining California’s ability to

set its own standards. Newsom also criticized Trump for threatening car companies that negotiate with California.

“I don’t know what the hell happened to this country that we have the President that we do today, on this issue,” Newsom said Monday morning. “It’s a damn shame, it really is. I’m not a little embarrassed about it, I’m absolutely humiliated by what’s going on.”

The EPA administrator told McClatchy that he moved as quickly as possible to finalize a nationwide tailpipe standard, knowing that its final form would have to stand up to legal scrutiny.

He expects the case will reach the U.S. Supreme Court, setting up a landmark decision on states’ rights and environmental policy.

“Is time on our side? I’m assuming we’re going to have a second term, so I don’t think that’s going to matter. These issues will be decided by the courts over the course of his presidency,” Wheeler said. “The first part of the regulation could be wrapped up before the election. We’d have to move rather quickly, but it could be wrapped up.”

While the EPA’s latest move stated in the letter is not directly related to the fight over fuel efficiency standards, the administration is making an argument that could supplement its legal defense: that California has failed to uphold standards for pollutants other than greenhouse gases.

Only about a dozen of California’s 58 counties meet the EPA’s standards for Ozone air quality, while about half meet the standards for fine particulate matter in the air, such as dust, smoke or other inhalable particles. The counties that meet both standards are primarily rural and sparsely populated.

“California still has and maintains the ability to set standards for the health-based criteria pollutants,” Wheeler said. “I think the California Resources Board needs to spend and focus more time on the non-attainment areas that they have – the 82 non-attainment areas across the state. That has nothing to do with the CO2 or auto standards.”

The EPA letter is addressed to Mary Nichols, chair of the California Air Resources Board whom Wheeler had accused of negotiating in “bad faith” as talks broke down between Washington and Sacramento, fueling the escalation.

“I have nothing personal against Mary – I’ve known her for 22 years. I actually like Mary and we’re working together on NOx reduction from heavy-duty trucks,” Wheeler said, referring to nitrogen oxides, a category of pollutants. “But she wasn’t on the CAFE [Corporate Average Fuel Economy] standards. She was mischaracterizing the negotiations we were having with California.”

The two have not spoken since the talks ended, Wheeler said.

“What the state of California is engaging in is social engineering,” Wheeler added. “We don’t think that’s appropriate.”

NPR

<http://www.capradio.org/news/npr/story?storyid=763876070>

Trump Administration Escalates Battle Over Environmental Regulations With California

By Jeff Brady

September 24, 2019

The Trump administration has escalated its fight with California over environmental regulations.

Environmental Protection Agency Administrator Andrew Wheeler sent a letter Monday to the California Air Resources Board threatening to withdraw billions of dollars in federal highway money unless the state clears a backlog of air pollution control plans.

"California has the worst air quality in the United States, with 82 nonattainment areas and 34 million people living in areas that do not meet National Ambient Air Quality Standards," Wheeler wrote.

California's population, topography, weather and other factors do worsen air pollution there, but the state also is widely recognized as a leader in improving air quality.

Under the Clean Air Act, states that don't meet federal air quality standards are required to submit "State Implementation Plans." Wheeler says California represents a disproportionate share of the backlog of such plans.

"Since the 1970s, California has failed to carry out its most basic tasks under the Clean Air Act," said Wheeler. He then laid out the penalties for failing to meet federal requirements, which include losing federal highway dollars. California is expected to receive about \$8 billion in fiscal years 2019 and 2020.

The Trump administration has been picking fights with California over environmental regulations recently. Last week the administration said it will revoke a waiver that allows California to set stricter car emission standards.

A senior EPA official said the two actions were not linked and that California is the focus now because it represents the largest share of backlogged plans. Even though other states have similar backlogs, the administration has not sent letters to them.

California officials did not publicly respond to the letter, but Gov. Gavin Newsom has been critical of President Trump's environmental record.

Speaking at a "Climate Week NYC" event on Monday Newsom said, "I don't know what the hell happened to this country that we have the president that we do today, on this issue."

Newsom also criticized Trump for planning to withdraw from the Paris climate agreement. Former EPA officials say they were surprised Wheeler sent the letter to California.

"I just think it's so ironic that the EPA is chastising California, which has been so progressive in working towards cleaner air, more than any other place in the country," says Janet McCabe, who was an EPA official during the Obama administration and now directs Indiana University's Environmental Resilience Institute.

McCabe says it's unusual for the EPA to publicly criticize a state in this way. She says typically the agency would communicate with a state privately and work out differences to encourage a cooperative rather than adversarial relationship.

New York Times

<https://www.nytimes.com/2019/09/24/climate/trump-california-climate-change.html>

Trump Administration Threatens to Cut U.S. Highway Funds From California

By Coral Davenport

September 24, 2019

The political war between California and the Trump administration escalated Monday with a letter from Andrew Wheeler, the head of the Environmental Protection Agency, warning that Washington would withhold federal highway funds from the state if it did not rapidly address a decades-long backlog of state-level pollution control plans.

The letter is the latest parry between President Trump and the liberal West Coast state that he appears to relish antagonizing. California's recent actions on clean air and climate change policy have blindsided and enraged him, according to two people familiar with the matter.

While California has angered Mr. Trump with its efforts to adhere to stricter state standards on climate change pollution from vehicles even as Mr. Trump has sought to roll back such standards nationally, Mr. Wheeler's new letter to the state offers a twist on the narrative.

It states that California "has the worst air quality in the United States," including 82 areas within the state with air quality that does not meet federal law. It says that by law, the state is required to submit plans for reducing that pollution, but that California has a backlog of about 130 incomplete or inactive plans, "many dating back decades."

The letter notes that California has more than 34 million people living in areas that do not meet federal air pollution standards for pollutants like soot and smog — "more than twice as many people as any other state in the country."

Mr. Wheeler says in the letter that he is calling attention to California's backlog as part of a broader effort to "dramatically reduce" such backlogs nationally.

He says that California's failure to address the backlogged plans may result in penalties such as the withholding of federal highway funds, or the implementation of federal plans.

The letter requests a response from the state by Oct. 10.

California's governor, Gavin Newsom, called the E.P.A.'s administrator pure politics.

"The White House has no interest in helping California comply with the Clean Air Act to improve the health and well-being of Californians," he said in a statement Tuesday. "This letter is a threat of pure retaliation. While the White House tries to bully us and concoct new ways to make our air dirtier, California is defending our state's clean air laws from President Trump's attacks. We won't go back to the days when our air was the color of mud. We won't relive entire summers when spending time outside amounted to a public health risk. We won't be intimidated by this brazen political stunt."

The E.P.A. letter, made public on Monday but dated Sept. 24, was first reported by The Sacramento Bee. California officials said Monday night that they had only just received it, and they declined to respond until they had time to review it. A spokesman for the White House referred questions to the E.P.A., and a spokesman for the agency did not immediately respond to an emailed request for comment.

The letter follows Mr. Trump's announcement last week that his administration would revoke California's legal authority to set its own stringent state-level regulations on planet-warming pollution from vehicle tailpipes. On

Friday, California and more than 20 other states retaliated by filing a sweeping lawsuit expected to be resolved only before the Supreme Court, accusing Mr. Trump of trampling on both states' rights and on major efforts to fight climate change.

In fact, one of the key legal arguments made by the California lawsuit last week is that those tailpipe standards are required for the state to control emissions of the other pollutants, like soot and smog, at levels required to meet even federal standards.

"We need the extra clean cars to meet the standards set by the federal government," Mary Nichols, California's top clean air regulator, said at a news conference last week. "If this prevails, millions of people in California will breathe dirty air. There will be more pollution, more asthma, more hospitalizations, more premature deaths."

Mr. Trump's move to revoke California's authority to set climate standards from vehicle pollution came after an announcement in July that four automakers that opposed Mr. Trump's plan to roll back the national vehicle tailpipe pollution standard signed a deal with California to comply with tighter emissions standards if the broader rollback goes through.

Mr. Trump, who was surprised and angered by that announcement, according to two people familiar with the matter, has since sought to push policies that would punish California.

Earlier this month, the Justice Department opened an investigation into whether the automakers' deal with California violates antitrust laws, although a person familiar with the investigation said that it was not started at the request of Mr. Trump or any administration officials.

Politico Pro

<https://subscriber.politicopro.com/transportation/whiteboard/2019/09/epa-california-highway-funding-threat-about-air-quality-not-retribution-3891331>

EPA: California highway funding threat about air quality, not retribution

By Alex Guillen

September 24, 2019

A senior EPA official today defended EPA's threat to withhold highway funding from California as an effort to clean up the nation's worst air quality area, not a move to target the state that has pushed back against many Trump administration policies.

EPA notified California on Monday in a [letter](#) that it should act soon on some 130 pending "state implementation plans" aimed at curbing ozone, particulate matter and other types of pollution that pose a public health risk — or risk losing federal highway money.

"The administration and EPA's goal is to get the country into attainment with National Ambient Air Quality Standards that will protect public health with an adequate margin of safety for Americans across the country," said the EPA official who spoke to reporters on background. "And so we think California is a logical place to start."

Reuters

<https://ijr.com/trump-epa-blasts-california-air-quality-threatens-to-withdraw-highway-funds/>

Trump EPA Blasts California Air Quality, Threatens to Withdraw Highway Funds

By David Shepardson

September 24, 2019

The Trump administration escalated its fight with California on Tuesday, accusing the state of failing to enforce the U.S. Clean Air Act and threatening to withdraw billions of dollars in federal highway funds to the country's most populous state.

California, which has imposed strict state standards limiting vehicle emissions in defiance of Trump's attempts to roll back regulations, has "the worst air quality in the United States," U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler wrote California Air Resource Board chief Mary Nichols in a letter dated Sept. 24.

The letter contended that California "has failed to carry out its most basic tasks under the Clean Air Act."

Last week, the EPA said it was taking the unprecedented step of revoking California's waiver under the Clean Air Act to set tailpipe emissions standards and require zero emission vehicles, while the National Highway Traffic Safety Administration (NHTSA) said California was preempted from take action on tailpipe emissions.

On Friday, California and 22 other states sued NHTSA and it plans to challenge the EPA decision at a later date. The letter was reported Monday by the Sacramento Bee but was to be announced by the EPA Tuesday.

Earlier this year, the Trump administration said it was withholding \$929 million from California's high-speed rail project that was awarded in 2010.

Trump EPA threatens to freeze California highway funding

September 24, 2019

The Trump administration is threatening to freeze California's federal highway funding and implement other sanctions against the state over its alleged failure to submit air pollution control plans as required under the federal Clean Air Act.

In a letter dated Sept. 24 to California Air Resources Board Chairwoman Mary Nichols, Environmental Protection Agency Administrator Andrew Wheeler accused the state of failing for decades to "carry out its most basic tasks under the Clean Air Act," according to a document provided to The Chronicle by the Air Resources Board.

The warning comes after Trump and California leaders have repeatedly clashed over climate change policy, a fight that escalated last week when his administration moved to revoke the state's authority to set tailpipe emissions standards. California's Attorney General Xavier Becerra on Friday responded by filing a lawsuit against the administration along with 22 other states and the District of Columbia.

Officials from the EPA did not respond to requests for comment Monday evening.

The EPA's warnings came on the same day Gov. Gavin Newsom blasted Trump's environmental policies during delivered opening remarks Monday at Climate Week NYC.

"I don't know what the hell happened to this country that we have a president that we do today on this issue," Newsom said, according to the Los Angeles Times. "Because it's a damn shame. It really is. I'm not a little embarrassed about it — I'm absolutely humiliated by what's going on."

In the letter, Wheeler states that 34 million Californians are living in areas that don't meet National Ambient Air Quality Standards, a figure he says more than doubles the number in any other state.

Late Monday night, Newsom called the letter "a threat of pure retaliation."

"The White House has no interest in helping California comply with the Clean Air Act to improve the health and well-being of Californians," Newsom said. "While the White House tries to bully us and concoct new ways to make our air dirtier, California is defending our state's clean air laws from President Trump's attacks. We won't go back to the days when our air was the color of mud. We won't relive entire summers when spending time outside amounted to a public health risk. We won't be intimidated by this brazen political stunt."

According to the Air Resources Board, California's air pollution is due mainly to three factors: its population of nearly 40 million people, a topography that traps pollution, and its sunny and warm climate. Some of the worst pollution is in the same areas as some of the state's most productive farmland.

Wheeler was quick to point the blame squarely at California, and said its "chronic" air quality concerns are not the result of pollution from other states or the Trump administration's reform efforts.

Wheeler also accused California of representing a disproportionate share of backlogged State Implementation Plans, or SIPs, which are blueprints on how states will achieve and maintain air quality standards.

Wheeler said California is responsible for 130 backlogged plans, with some dating back decades.

“Most of these SIPs are inactive and appear to have fundamental issues related to approvability, state-requested holds, missing information or resources,” Wheeler wrote.

The administrator recommended that state officials withdraw these “backlogged and unapprovable SIPs” and replace them with complete and approvable ones.

Failure to do so, he said, will trigger “statutory clocks” for highway funding sanctions, which Wheeler said could mean a prohibition on transportation projects and grants.

Wheeler asked the Air Resources Board to respond by Oct. 10 on whether it will withdraw and refile the plans.

“We certainly want to avoid these statutory triggers,” he wrote in closing. “But our foremost concern must be ensuring clean air for all Americans. This is our goal.”

Trump's EPA Threatens to Pull Federal Highway Funds Over California Air Quality

By Cecelia Smith-Schoenwalder

September 24, 2019

THE ENVIRONMENTAL Protection Agency has threatened to take away billions of dollars in federal highway funding for California if it doesn't improve its plans to address air pollution – the latest battle in the war between the Trump administration and the state.

The EPA said it sent the California Air Resources Board a letter dated Tuesday notifying the state agency that it is behind on air pollution plans that require the federal agency's approval.

"California has failed to carry out its most basic responsibilities under the Clean Air Act, and as a result, millions of Californians live in areas that do not meet our nation's air quality standards," EPA Administrator Andrew Wheeler said. "EPA stands ready to work with California to meet the Trump Administration's goal of clean, healthy air for all Americans, and we hope the state will work with us in good faith."

The move comes a week after the administration revoked California's ability to set stricter emission standards for cars, spurring a lawsuit from California and 22 other states. A senior EPA official told reporters on a call Tuesday that the actions were unrelated to each other.

The official said that notifying California was the first step in a plan to get more of the country in attainment with national standards, but the official could not say what other states the agency would be contacting.

"We thought it was prudent to start in the place with the largest problems," the EPA official said.

According to the EPA, California represents about one-third of the agency's backlog for state implementation plans, which are used in places where air quality does not meet national standards. Federal standards exist for carbon monoxide, lead, nitrogen oxide, ozone, particulate matter and sulfur dioxide.

The EPA said in a press release that "California has the worst air quality in the United States," with 34 million people breathing air that doesn't meet federal standards.

The federal agency threatened that disapproval of these plans could trigger highway funding sanctions, including for federal transportation projects.

"We certainly want to avoid these statutory triggers, but our foremost concern must be ensuring clean air for all Americans. That is our goal," Wheeler said.

California Gov. Gavin Newsom told The Hill that the letter "is a threat of pure retaliation."

"While the White House tries to bully us and concoct new ways to make our air dirtier, California is defending our state's clean air laws from President Trump's attacks," Newsom said. "We won't go back to the days when our air was the color of mud. We won't relive entire summers when spending time outside amounted to a public health risk. We won't be intimidated by this brazen political stunt."

Wall Street Journal

<https://www.wsj.com/articles/trump-administration-threatens-to-withhold-california-transportation-funds-11569343919>

Trump Administration Threatens to Withhold California Transportation Funds

By Katy Stech Ferek

September 24, 2019

The Trump administration accused California of failing to take steps to fix air-quality problems in several parts of the state, putting it at risk of losing federal funding for its highways and other transportation projects.

Officials at the U.S. Environmental Protection Agency on Tuesday sent a letter to California air quality officials about what they said are incomplete or unworkable air-pollution plans that state officials have submitted since the 1970s. Under the federal Clean Air Act, federal regulators review and approve those plans.

Failing to withdraw those plans could lead the state to lose federal money for transportation projects, they said.

EPA officials added that California has 34 million residents living in areas that don't meet national air-quality standards. They asked state officials to tell them by Oct. 10 whether the state will withdraw old plans.

The California Air Resources Board didn't immediately respond to requests for comment.

The letter was sent less than one week after the EPA and U.S. Transportation Department moved to take away California's ability to set its own vehicle emissions standards, a step toward easing tougher requirements set by the Obama administration. California later sued to protect that power.

Washington Examiner

<https://www.washingtonexaminer.com/policy/energy/epa-threatens-california-over-backlog-of-100-plus-air-quality-plans>

EPA threatens California over backlog of 100-plus air quality plans

By Abby Smith

September 24, 2019

The Environmental Protection Agency is threatening to withhold highway funds and permitting approvals from California until the state agrees to redo more than 100 air quality plans.

California "has failed to carry out its most basic tasks under the Clean Air Act," EPA Administrator Andrew Wheeler wrote in a Sept. 24 letter to the state's top air regulator, Mary Nichols. Wheeler said in the letter that California represents about a third of the air quality plans the EPA has in a backlog, neither approved nor denied, and some of those plans date back to pollution limits from the 1970s.

States are required to submit plans outlining how they'll meet federal air quality standards for pollutants like ozone and particulate matter that contribute to smog and soot. The EPA then is supposed to approve or disapprove those plans.

The EPA is now threatening to disapprove California's plans if the state doesn't withdraw them. If the EPA denies a state plan, that could trigger highway funding sanctions, withholding of federal air quality permits, and issuance of a federally mandated plan for the state, Wheeler said in the letter.

The move is the second EPA threat against California in recent weeks. The EPA, along with the Transportation Department, announced Sept. 19 it was eliminating the state's authority to set its own greenhouse gas and zero-emissions vehicle standards. California regulators have said those limits are a critical piece of the state's plans to cut both greenhouse gases and emissions of air pollutants.

A senior EPA official, though, told reporters Tuesday the agency's move wasn't a direct attack on California. The official said California has some of the worst air quality in the country and more than twice as many people living in areas that do not meet federal air quality limits than any other state.

"There is a strong reason for the focus here," the EPA official said. "If you're in a hole, then the first thing is to stop digging."

But the EPA official didn't provide a list of any other state facing a similar backlog of state plans and didn't say whether the agency was considering similar threats against those states. Former EPA officials blasted the move, arguing it flies in the face of the states' rights the Trump administration claims to value.

The move is "also ironic, given that California has put in place the most protective air programs in the country," Janet McCabe, who headed the EPA's air office from 2013-2017, said in a statement.

"EPA should be working with the state, not looking for ways to publicly punish it," McCabe, now director of Indiana University's Environmental Resilience Institute, added.

Trump Admin Demands California Address 'Worst Air Quality' in U.S.

By Brent Scher

September 24, 2019

The Trump administration has warned the state of California that it will face consequences if it fails to submit plans addressing what the Environmental Protection Agency called the "worst air quality" of any state in the country, according to a Monday letter from the agency.

The letter from EPA administrator Andrew Wheeler states that 34 million people in California are living in areas that don't meet federal air quality standards, a number twice as large as any other state in the country. It further states the plans California has submitted to the EPA, known as State Implementation Plans (SIPs), to address areas with inadequate air quality "have fundamental issues related to approvability" and must be resubmitted.

The letter informs California that if it fails to submit new plans to increase air quality, the state would be ineligible to receive billions of dollars it is otherwise projected to get from the Federal Highway Administration.

"We certainly want to avoid these statutory triggers, but our foremost concern must be ensuring clean air for all Americans," Wheeler says in the letter. "That is our goal."

The letter gives California until Oct. 10 to notify the EPA whether it plans to withdraw and resubmit the SIPs. The federal government could impose its own plan on California if it fails to get new SIPs approved. Wheeler expressed hope that California will work with the Trump administration to address its failures.

"California has failed to carry out its most basic responsibilities under the Clean Air Act, and as a result, millions of Californians live in areas that do not meet our nation's air quality standards," he said in a statement on the letter. "EPA stands ready to work with California to meet the Trump administration's goal of clean, healthy air for all Americans, and we hope the state will work with us in good faith."

Wheeler told McClatchy's Michael Wilner past administrations allowed California to avoid consequences for its failure to submit air quality plans to the EPA.

Wheeler only learned this summer of a giant backlog of SIPs, including more than 130 unprocessed plans from California alone. He was told the backlog resulted from previous administrations' unwillingness to deny plans from California due to the harsh penalties tied to a failing grade from the EPA.

"When I learned about this a couple months ago, the question I asked the staffer was, 'why are we holding on to these—why haven't we acted?'" Wheeler said. "And the response I got back was, 'we didn't want to deny them and they couldn't approve them.' Well that's ridiculous to allow 34 million people to live in areas not in compliance with our air standards."

The agency says the plans it currently has on file from California fail to meet the "minimum threshold of public health protection necessary for approval." The EPA also says it's prepared to put together plans for California itself if the state declines to cooperate.

"As a first step, EPA is calling on California to immediately withdraw inactive SIPs that would most likely be denied," the agency said. "If California does not withdraw the inactive SIPs in a timely manner, EPA will begin the process of evaluating these SIPs for disapproval and developing Federal Implementation Plans that are approvable and will protect public health."

Washington Post

<https://www.washingtonpost.com/climate-environment/2019/09/24/trump-officials-threaten-withhold-highway-funds-california-its-chronic-air-quality-problems/>

Trump officials threaten to withhold highway funds from California for its ‘chronic air quality problems’

By Juliet Eilperin and Dino Grandoni

September 24, 2019

Trump administration officials threatened this week to withhold federal highway funds from California, arguing that it had failed to show what steps it is taking to improve its air quality. The move by the Environmental Protection Agency escalates the fierce battle between President Trump and the left-leaning state, and could put billions in federal funds in jeopardy.

In a predated letter sent late Monday to the California Air Resources Board, EPA Administrator Andrew Wheeler suggested that the state “has failed to carry out its most basic tasks under the Clean Air Act,” and needs to either update its plans to tackle air pollution or risk losing federal highway funds. California receives billions in highway funding from the U.S. government every year, and federal officials have the right to halt that money if they determine that a state is not taking sufficient steps to show how it aims to cut air pollution such as soot or smog-forming ozone.

In the letter, Wheeler notes that 34 million Californians live in areas that don’t meet federal National Ambient Air Quality Standards, more than twice as many residents than any other state. California has more than 130 “state implementation plans,” which serve as blueprints for how California would tackle these pollutants, awaiting federal approval.

“California has the worst air quality in the United States,” he wrote, adding that many of its plans “are inactive and appear to have fundamental issues” that would keep them from getting approved.

The decision to invoke a rarely used federal punishment represents the latest salvo in the Trump administration’s feud with California over environmental and other policy issues. Just last week, the EPA joined the Transportation Department in revoking California’s right to set stricter pollution limits on cars and light trucks.

California officials have repeatedly argued that they have sought to impose stricter limits on greenhouse gas emissions from vehicles as part of a broader effort to tackle air pollution in their state. The vehicle standards the Trump administration is blocking, CARB chairwoman Mary Nichols said last week, “are necessary to protect the public health standards and welfare.”

Nichols could not immediately be reached for comment Tuesday.

Bill Becker, president of Becker Environmental Consulting, said in a phone interview that it did not make sense for the administration to punish California for failing to address air pollution in the state when it was simultaneously blocking its efforts to cut down on these emissions.

“Isn’t it ironic that EPA is taking away some of the important regulatory tools for meeting the federal health-based standards, and then sanctioning California?” Becker said. “It’s like the kid killing his parents, and then pleading for mercy because he’s an orphan.”

Andrea Woods

Deputy Press Secretary

U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2010

9.24.19: California SIP Letter Clips

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SACRAMENTO

EPA threatens state with cuts to highway funds over air quality

By Associated Press
Sacramento (AP) —

The Trump administration is threatening to cut off federal highway funding to California if the state does not improve its air quality, the Environmental Protection Agency said Tuesday.

The agency said the state has the "worst air quality in the United States" and had "failed to carry out its most basic tasks" under the federal law.

The Trump administration is threatening to cut off federal highway funding to California if the state does not improve its air quality, the Environmental Protection Agency said Tuesday.

The agency said the state has the "worst air quality in the United States" and had "failed to carry out its most basic tasks" under the federal law.

Bills aim to boost primary turnout in March

By Associated Press
Sacramento (AP) —

California voters could soon see more mail-in ballots, and the state could also see more voters at the polls on the day of the state's primary election, according to a new bill.

The bill, which is sponsored by Sen. Scott Wiener (D-San Francisco), would require the state to provide a mail-in ballot to every voter who requests one.

The bill also would require the state to provide a mail-in ballot to every voter who requests one.

Prominent Sacramento car dealer accused of fraud in state's lawsuit

By Associated Press
Sacramento (AP) —

A prominent Sacramento car dealer has been accused of fraud in a lawsuit filed by the state's attorney general.

The lawsuit, filed by Attorney General Mark T. Spitzer, alleges that the dealer, who is named in the lawsuit as "John Doe," engaged in a series of fraudulent transactions with the state.

The lawsuit, filed by Attorney General Mark T. Spitzer, alleges that the dealer, who is named in the lawsuit as "John Doe," engaged in a series of fraudulent transactions with the state.

[[HYPERLINK \I "_McClatchy/Sacramento_Bee"](#)]

The Trump administration is ratcheting up its threats against California with a letter warning the state faces sanctions – including cuts in federal highway funding – over its “failure” to submit complete reports on its implementation of the Clean Air Act. In the letter to the California Air Resources Board, Andrew Wheeler, administrator of the Environmental Protection Agency, wrote that the state had the “worst air quality in the United States” and had “failed to carry out its most basic tasks” under the federal law.

[[HYPERLINK \I "_ABC_News"](#)]

The Trump administration is threatening to block California from receiving federal highway grants if it doesn't revise plans to address air pollution, saying the state has more cities that don't meet pollution limits than any other in the country. The move is the latest escalation between the administration and the liberal state less than a week after the [[HYPERLINK \I "https://abcnews.go.com/Politics/trumps-epa-sets-stage-legal-fight-california-fuel/story?id=65676915"](#)] that the agency will revoke California's waiver to set its own standards to limit greenhouse gas emissions from vehicles, setting up a legal battle with the state.

[[HYPERLINK \I "_Associated_Press"](#)]

The Trump administration's environmental battle with California intensified Tuesday, as the Environmental Protection Agency warned the state that it could lose federal highway funds if it doesn't clean up its air. In a letter sent Tuesday to the California Air Resources Board, the EPA

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described the state's air quality as the worst in the country with 34 million people living in areas that do not meet National Ambient Air Quality Standards. That is twice the number of people as in any other state, the agency said.

[[HYPERLINK \I "_Axios"](#)]

The Environmental Protection Agency has sent the California Air Resources Board a [[HYPERLINK "https://www.documentcloud.org/documents/6427825-CaliLetter.html"](https://www.documentcloud.org/documents/6427825-CaliLetter.html)] threatening to cut federal highway funding because of air pollution issues — claiming that the state has the "worst air quality" in the U.S. Why it matters: The letter, first reported by the [[HYPERLINK "https://www.sacbee.com/news/politics-government/capitol-alert/article235397887.html"](https://www.sacbee.com/news/politics-government/capitol-alert/article235397887.html)], from EPA administrator Andrew Wheeler declaring that California has failed to "carry out its most basic tasks under the Clean Air Act" marks the latest in a series of battles between the Trump administration and the liberal state.

[[HYPERLINK \I "_Bloomberg_Environment"](#)]

The Trump administration is escalating its fight against California by taking aim at its air pollution problem—a move the state's governor called a “brazen political stunt.”

The Environmental Protection Agency notified California in a letter Sept. 24 that it has failed to file complete plans for fighting conventional air pollution and may lose highway funding as punishment. The letter comes only days after the EPA said it would strip away two of the state's tools for fighting smog.

[[HYPERLINK \I "_CBS-San_Francisco"](#)]

The Environmental Protection Agency's battle with California officials heated up another notch Tuesday, with the feds warning the state it could lose federal highway funds if it doesn't clean up its air. The federal threat came with hours of California Attorney General Xavier Becerra filing a federal lawsuit challenging the EPA's determination that 1,365 acres of salt ponds in Redwood City are not “waters of the United States” under the Clean Water Act.

[[HYPERLINK \I "_Courthouse_News"](#)]

Amid a growing dispute over climate change and vehicle emissions standards, the Trump administration on Tuesday threatened to withhold highway funding and other federal grants from California over its “chronic air quality problems.” U.S. Environmental Protection Agency Administrator Andrew Wheeler accused California in a letter of having hundreds of backlogged air quality improvement plans and 34 million people living in places with air quality below national standards. Wheeler claims California is failing to comply with its “most basic tasks” under the Clean Air Act.

[[HYPERLINK \I "_CNET"](#)]

The Trump administration upped the ante in an ongoing war over emissions, pollution and the state of California on Tuesday after the EPA announced it has taken action on the state's air quality issues. Specifically, the Trump administration's EPA stated that Administrator Andrew Wheeler sent a letter to the California Air Resources Board Chairman, Mary Nichols, declaring

that the federal government will begin to eliminate its backlog of California State Implementation Plans (SIPs). SIPs are regulations used in a specific territory or state to reduce air pollution in areas that do not meet National Ambient Air Quality Standards (NAAQS).

[[HYPERLINK \I "_CNN"](#)]

The Environmental Protection Agency is threatening to withhold federal highway funds from California in the latest skirmish between the Trump administration and the Golden State. On Tuesday, EPA Administrator Andrew Wheeler [[HYPERLINK "http://cdn.cnn.com/cnn/2019/images/09/24/epa.letter.to.carb.9.24.19.pdf" \t "_blank"](#)] to California's Air Resource Board warning that it could face serious consequences if the state did not rescind 130 state air quality plans that have been backlogged. The move comes on the heels of President Donald Trump's statement last week that the EPA is investigating possible water quality violations by the [[HYPERLINK "http://www.cnn.com/2019/09/19/politics/donald-trump-san-francisco-homelessness/index.html" \t "_blank"](#)] and the administration's move to [[HYPERLINK "http://www.cnn.com/2019/09/19/politics/wheeler-chao-california/index.html" \t "_blank"](#)] allowing it to set higher auto emissions standards than the federal government.

[[HYPERLINK \I "_E&E_News"](#)]

The Trump EPA is threatening to sanction California because of its lack of compliance with federal clean air standards, the latest salvo in its multipronged attack on the Golden State over climate change. In a [[HYPERLINK "https://www.eenews.net/assets/2019/09/24/document_gw_03.pdf" \t "_blank"](#)] released yesterday to the California Air Resources Board, EPA Administrator Andrew Wheeler threatened to revoke federal highway funds in retaliation for the state's halting compliance with the Clean Air Act.

[[HYPERLINK \I "_The_Hill"](#)]

The Trump administration is threatening to withhold highway funding from California over its air pollution — the latest move in a political showdown as the state fights to keep tougher vehicle emissions standards. Trump's Environmental Protection Agency (EPA) has rolled back the tougher standards California is fighting to keep, spurring a [[HYPERLINK "https://thehill.com/policy/energy-environment/462338-california-23-other-states-sue-trump-admin-over-rules-on-state" \t "_blank"](#)] from California and 23 other states on Friday.

[[HYPERLINK \I "_Huffington_Post"](#)]

The [[HYPERLINK "https://www.huffpost.com/news/topic/trump-administration" \t "_blank"](#)] escalated its political war with California on Monday, threatening to withhold federal funding for the state's highways unless officials dealt with what they referred to as the “worst air quality in the United States.” Andrew Wheeler, the administrator of the Environmental Protection Agency, [[HYPERLINK "https://www.sfchronicle.com/file/529/1/5291-image2019-09-23-045219.pdf" \t "_blank"](#)] to California's Air Resources Board this week that the state had failed to address a backlog of air pollution control plans mandated by federal law. Unless the state takes action on about 130 plans, Wheeler said the EPA would begin a “disapproval process” that could impact billions in funding for its highways.

[[HYPERLINK \I "_Inside_EPA"](#)]

EPA is vowing to “speak closely” with states over their delayed plans for attainment federal air quality standards, says a top agency official, following the Trump administration’s threat to withhold federal highway funding from California unless the state acts quickly to submit “approvable” air quality plans to EPA. Speaking to reporters on background on a Sept. 24 teleconference, the agency official defended the threat, made in [[HYPERLINK "https://insideepa.com/sites/insideepa.com/files/documents/2019/sep/epa2019_1683.pdf"](#)] from EPA Administrator Andrew Wheeler to California Air Resources Board (CARB) Chair Mary Nichols demanding action to clear up the backlog of state implementation plans (SIPs). SIPs detail the emissions control measures states will implement to attain national ambient air quality standards.

[[HYPERLINK \I "_Los_Angeles_Times"](#)]

The Trump administration is reportedly threatening to pull federal funding for highways and other transportation projects in California after the state has “failed” to submit complete pollution-control plans required by law. According to a letter obtained by [[HYPERLINK "https://www.sacbee.com/news/politics-government/capitol-alert/article235397887.html"](#) \t "_blank"] Environmental Protection Agency Administrator Andrew Wheeler wrote to the California Air Resources Board that the state “has failed to carry out its most basic tasks under the Clean Air Act” since the 1970s. Wheeler specifically cites a backlog of reports that should detail state efforts to cut pollutant emissions under federal law.

[[HYPERLINK \I "_NPR"](#)]

The Trump administration has escalated its fight with California over environmental regulations. Environmental Protection Agency Administrator Andrew Wheeler [[HYPERLINK "https://www.scribd.com/document/427264640/California-NAAQS-SIP"](#)] Monday to the California Air Resources Board threatening to withdraw billions of dollars in federal highway money unless the state clears a backlog of air pollution control plans. “California has the worst air quality in the United States, with 82 nonattainment areas and 34 million people living in areas that do not meet National Ambient Air Quality Standards,” Wheeler wrote.

[[HYPERLINK \I "_New_York_Times"](#)]

The political war between California and the Trump administration escalated Monday with a [[HYPERLINK "https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Aascds%3AUS%3A846a6159-dc9a-4e13-838c-815cfcc438d1"](#) \t "_blank"] from Andrew Wheeler, the head of the Environmental Protection Agency, warning that Washington would withhold federal highway funds from the state if it did not rapidly address a decades-long backlog of state-level pollution control plans. The letter is the latest parry between [[HYPERLINK "https://www.nytimes.com/2019/09/14/us/california-trump-newsom.html?module=inline"](#)] .

California's recent actions on clean air and climate change policy have blindsided and enraged him, according to two people familiar with the matter.

[[HYPERLINK \I "_Politico_Pro"](#)]

A senior EPA official today defended EPA's threat to withhold highway funding from California as an effort to clean up the nation's worst air quality area, not a move to target the state that has pushed back against many Trump administration policies. EPA notified California on Monday in a [[HYPERLINK](#)

"https://subscriber.politicopro.com/f/EPA_letter_on_California_SIP_b.pdf?&id=0000016d-6376-d49d-ab7f-e376d3d90001" \t "_blank"] that it should act soon on some 130 pending "state implementation plans" aimed at curbing ozone, particulate matter and other types of pollution that pose a public health risk — or risk losing federal highway money.

[[HYPERLINK \I "_Reuters"](#)]

The Trump administration escalated its fight with California on Tuesday, accusing the state of failing to enforce the U.S. Clean Air Act and threatening to withdraw billions of dollars in federal highway funds to the country's most populous state. California, which has imposed strict state standards limiting vehicle emissions in defiance of Trump's attempts to roll back regulations, has "the worst air quality in the United States," U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler wrote California Air Resource Board chief Mary Nichols in a letter dated Sept. 24.

[[HYPERLINK \I "_San_Francisco_Chronicle"](#)]

The Trump administration is threatening to freeze California's federal highway funding and implement other sanctions against the state over its alleged failure to submit air pollution control plans as required under the federal Clean Air Act. [[HYPERLINK](#)

"<https://www.sfchronicle.com/file/529/1/5291-image2019-09-23-045219.pdf>"], Environmental Protection Agency Administrator Andrew Wheeler accused the state of failing for decades to "carry out its most basic tasks under the Clean Air Act," according to a document provided to The Chronicle by the Air Resources Board.

[[HYPERLINK \I "_U.S._News_&"](#)]

THE ENVIRONMENTAL Protection Agency has threatened to take away billions of dollars in federal highway funding for California if it doesn't improve its plans to address air pollution — the latest battle in the war between the Trump administration and the state. The EPA said it sent the California Air Resources Board a [[HYPERLINK](#)

"https://www.epa.gov/sites/production/files/2019-09/documents/california_naaqs_sip.pdf" \t "_blank"] dated Tuesday notifying the state agency that it is behind on air pollution plans that require the federal agency's approval.

[[HYPERLINK \I "_Wall_Street_Journal"](#)]

The Trump administration accused California of failing to take steps to fix air-quality problems in several parts of the state, putting it at risk of losing federal funding for its highways and other

transportation projects. Officials at the U.S. Environmental Protection Agency on Tuesday sent a letter to California air quality officials about what they said are incomplete or unworkable air-pollution plans that state officials have submitted since the 1970s. Under the federal Clean Air Act, federal regulators review and approve those plans.

[[HYPERLINK \I "_Washington_Examiner"](#)]

The Environmental Protection Agency is threatening to withhold highway funds and permitting approvals from California until the state agrees to redo more than 100 air quality plans.

California "has failed to carry out its most basic tasks under the Clean Air Act," EPA Administrator Andrew Wheeler wrote in a Sept. 24 letter to the state's top air regulator, Mary Nichols. Wheeler said in the letter that California represents about a third of the air quality plans the EPA has in a backlog, neither approved nor denied, and some of those plans date back to pollution limits from the 1970s.

[[HYPERLINK \I "_Washington_Free_Beacon"](#)]

The Trump administration has warned the state of California that it will face consequences if it fails to submit plans addressing what the Environmental Protection Agency called the "worst air quality" of any state in the country, according to a [[HYPERLINK "https://freebeacon.com/wp-content/uploads/2019/09/Scanned-Document.pdf"](https://freebeacon.com/wp-content/uploads/2019/09/Scanned-Document.pdf)] from the agency. The letter from EPA administrator Andrew Wheeler states that 34 million people in California are living in areas that don't meet federal air quality standards, a number twice as large as any other state in the country. It further states the plans California has submitted to the EPA, known as State Implementation Plans (SIPs), to address areas with inadequate air quality "have fundamental issues related to approvability" and must be resubmitted.

[[HYPERLINK \I "_Washington_Post"](#)]

Trump administration officials threatened this week to withhold federal highway funds from California, arguing that it had failed to show what steps it is taking to improve its air quality. The move by the Environmental Protection Agency escalates the fierce battle between President Trump and the left-leaning state, and could put billions in federal funds in jeopardy.

ABC News

[[HYPERLINK "https://abcnews.go.com/Politics/trump-administration-ramps-fight-california-epa-threatens-withhold/story?id=65823718"](https://abcnews.go.com/Politics/trump-administration-ramps-fight-california-epa-threatens-withhold/story?id=65823718)]

Trump administration ramps up fight with California as EPA threatens to withhold federal funds

By Stephanie Ebbs

September 24, 2019

The Trump administration is threatening to block California from receiving federal highway grants if it doesn't revise plans to address air pollution, saying the state has more cities that don't meet pollution limits than any other in the country.

The move is the latest escalation between the administration and the liberal state less than a week after the [[HYPERLINK "https://abcnews.go.com/Politics/trumps-epa-sets-stage-legal-fight-california-fuel/story?id=65676915"](https://abcnews.go.com/Politics/trumps-epa-sets-stage-legal-fight-california-fuel/story?id=65676915)] that the agency will revoke California's waiver to set its own standards to limit greenhouse gas emissions from vehicles, setting up a legal battle with the state.

"California has failed to carry out its most basic responsibilities under the Clean Air Act, and as a result, millions of Californians live in areas that do not meet our nation's air quality standards," Environmental Protection Agency chief Andrew Wheeler said in a statement.

Wheeler sent a letter to California's top air official on Tuesday saying the state's plans to improve air quality were insufficient and they could lose federal funds if they don't withdraw the old plans and submit new ones that correct the problems.

"California has the worst air quality in the United States, with 82 nonattainment areas and 34 million people living in areas that do not meet National Ambient Air Quality Standards -- more than twice as many people as any other state in the country," Wheeler said in the letter.

"As evidenced by the EPA's recent work on interstate air pollution issues as well as analysis accompanying its rulemakings, California's chronic air quality problems are not the result of cross-state air pollution or this Administration's regulatory reform efforts," he continued.

California has long had problems with air pollution, in part because of the high number of vehicles that can contribute to air pollution from vehicles like ozone, carbon monoxide and particulate matter that contribute to smog. California agencies have reported that pollution has [[HYPERLINK "http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/ozone-trend-chart-from-historical-data-by-year.pdf?sfvrsn=2"](http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/ozone-trend-chart-from-historical-data-by-year.pdf?sfvrsn=2)] since 1970, but many cities are still listed as failing to meet limits on those pollutants, [[HYPERLINK "https://www3.epa.gov/airquality/greenbook/anayo_ca.html"](https://www3.epa.gov/airquality/greenbook/anayo_ca.html)].

Under the [[HYPERLINK "https://www.govinfo.gov/content/pkg/USCODE-2013-title42/html/USCODE-2013-title42-chap85-subchapl-partD-subpart1-sec7509.htm"](https://www.govinfo.gov/content/pkg/USCODE-2013-title42/html/USCODE-2013-title42-chap85-subchapl-partD-subpart1-sec7509.htm)], the EPA has the authority

to withhold federal funds from federal highway grants if the administrator determines a state has not submitted a plan to address areas that haven't met standards to reduce air pollution.

The law says that if a state hasn't submitted a new plan or corrected existing ones within 18 months after the finding, the administrator can block the state from receiving federal money for transportation projects, including those aiming to reduce pollution from vehicles.

EPA says California should withdraw 130 old plans to address air pollution in various parts of the state and submit new ones they say meet the requirements. After that, it could trigger an 18-month clock for the state to lose federal grant money or the administration to impose its own plan to deal with air pollution in the state.

California was approved to receive [[HYPERLINK "https://www.fhwa.dot.gov/fastact/estfy20162020apports.pdf"](https://www.fhwa.dot.gov/fastact/estfy20162020apports.pdf)] between 2016 and 2020, according to the Federal Highway Administration, but the administration cannot withhold money from grants to improve safety problems or prevent accidents under the Clean Air Act.

The move comes less than a week after the administration announced it will revoke California's waiver to set its own standards on greenhouse gas emissions from cars, though an EPA senior official said Tuesday's announcement wasn't related to last week's announcement on California's clean cars waiver and that the administration chose to call out the state because it has the most areas that aren't in compliance with air quality standards and that some areas have not met the standards for decades.

A spokesman for the California Air Resources Board did not immediately respond to a request for comment Tuesday morning.

Former EPA officials call the move political, saying California has one of the most protective air programs in the country and that the agency typically works with states instead of "throwing a temper tantrum."

"One in three people in the US breathes unclean air. Trump should ask EPA to do more to clean the air instead of rolling back the clean car program and revoking California's authority to set its own clean car program. In my 18 years at EPA we never took a similar action against a state," Margo Oge, former director of EPA's office of transportation and air, said in a statement.

Last week, the president [[HYPERLINK "https://abcnews.go.com/Politics/trump-homelessness-problem-california-cities-clean/story?id=65538949"](https://abcnews.go.com/Politics/trump-homelessness-problem-california-cities-clean/story?id=65538949)] and the administration refused to provide more federal help to [[HYPERLINK "https://abcnews.go.com/Politics/trump-carson-reject-californias-request-federal-homelessness/story?id=65699983"](https://abcnews.go.com/Politics/trump-carson-reject-californias-request-federal-homelessness/story?id=65699983)].

Trump also said the EPA would cite the city of San Francisco for environmental violations related to homeless encampments during his trip to California last week. EPA officials declined

to comment on any pending enforcement action but an EPA senior official said Tuesday's announcement was not related to Trump's comments.

Associated Press

[HYPERLINK "<https://federalnewsnetwork.com/government-news/2019/09/epa-targets-california-over-poor-air-quality/>"]

EPA targets California over poor air quality

By Michael Casey

September 24, 2019

The Trump administration's environmental battle with California intensified Tuesday, as the Environmental Protection Agency warned the state that it could lose federal highway funds if it doesn't clean up its air.

In a letter sent Tuesday to the California Air Resources Board, the EPA described the state's air quality as the worst in the country with 34 million people living in areas that do not meet National Ambient Air Quality Standards. That is twice the number of people as in any other state, the agency said.

EPA called on the state to address a backlog in plans aimed at reducing air quality and to work with the agency to develop workable plans or risk highway funding sanctions and other penalties.

"California has failed to carry out its most basic responsibilities under the Clean Air Act, and as a result, millions of Californians live in areas that do not meet our nation's air quality standards," EPA Administrator Andrew Wheeler said. "EPA stands ready to work with California to meet the Trump Administration's goal of clean, healthy air for all Americans, and we hope the state will work with us in good faith."

The move by the EPA is the latest battle the Trump administration has picked with California over its environmental policies.

[HYPERLINK "https://federalnewsnetwork.com/federal-insights-analysis/2019/09/executive-briefing-series-biometrics-and-government-transformation/?utm_source=federalnewsnetwork.com_in-articlepromo&utm_medium=referral&utm_campaign=nec&utm_content=in-articlepromo" \t "_blank"]Last week, the Trump administration revoked California's authority to set its own emission standards — authority the state has had for decades under a waiver from the federal Clean Air Act.

In response, California sued to stop the Trump administration from revoking its authority to set greenhouse gas emission and fuel economy standards for cars and trucks, enlisting help from other states in a battle that will shape a key component of the nation's climate policy.

Federal law sets standards for how much pollution can come from cars and trucks. But since the 1970s, California has been permitted to set tougher rules because it has the most cars and struggles to meet air quality standards. On Thursday, the National Highway Traffic Safety Administration withdrew California's waiver.

California has also sued the Trump administration over its rollback of environmental and clean air regulations.

Axios

[[HYPERLINK "https://www.axios.com/trump-california-highway-funds-cut-threat-68a0bae5-6e43-4dd7-8c3e-e75e60c126a0.html"](https://www.axios.com/trump-california-highway-funds-cut-threat-68a0bae5-6e43-4dd7-8c3e-e75e60c126a0.html)]

Trump administration threatens California with highway funding cuts

By Rebecca Falconer

September 24, 2019

The Environmental Protection Agency has sent the California Air Resources Board a [[HYPERLINK "https://www.documentcloud.org/documents/6427825-CaliLetter.html"](https://www.documentcloud.org/documents/6427825-CaliLetter.html)] threatening to cut federal highway funding because of air pollution issues — claiming that the state has the "worst air quality" in the U.S.

Why it matters: The letter, first reported by the [[HYPERLINK "https://www.sacbee.com/news/politics-government/capitol-alert/article235397887.html"](https://www.sacbee.com/news/politics-government/capitol-alert/article235397887.html)], from EPA administrator Andrew Wheeler declaring that California has failed to "carry out its most basic tasks under the Clean Air Act" marks the latest in a series of battles between the Trump administration and the liberal state.

- The [[HYPERLINK "https://www.nytimes.com/2019/09/24/climate/trump-california-climate-change.html"](https://www.nytimes.com/2019/09/24/climate/trump-california-climate-change.html)] notes that while California upset Trump by introducing strict standards aimed at tackling climate change pollution from vehicles as the president tried to implement green policy rollbacks, "Wheeler's new letter to the state offers a twist on the narrative."

Driving the news: Trump warned while visiting California last week that the EPA would [[HYPERLINK "https://www.axios.com/california-auto-emissions-trump-epa-rules-d3187ac8-fc43-492d-a288-8076cc3fc735.html"](https://www.axios.com/california-auto-emissions-trump-epa-rules-d3187ac8-fc43-492d-a288-8076cc3fc735.html)] its waiver under the Clean Air Act that enables the state to set CO2 emissions rules that exceed federal standards.

- California and 23 other states are [[HYPERLINK "https://www.axios.com/california-auto-emissions-lawsuit-trump-administration-f827fc23-6050-4f06-9854-28ea30f850c8.html"](https://www.axios.com/california-auto-emissions-lawsuit-trump-administration-f827fc23-6050-4f06-9854-28ea30f850c8.html)] the Trump administration for plans to revoke the state's authority to set stricter tailpipe emissions rules than the rest of the U.S.
- A federal judge [[HYPERLINK "https://www.axios.com/judge-blocks-california-law-trump-tax-returns-bbf815be-de70-45a9-b890-b0073d7e5f49.html"](https://www.axios.com/judge-blocks-california-law-trump-tax-returns-bbf815be-de70-45a9-b890-b0073d7e5f49.html)] a preliminary injunction last Thursday blocking a new California law requiring presidential candidates to release their tax returns in order to appear on the primary ballot — something the president has steadfastly refused to do.
- Trump [[HYPERLINK "https://www.axios.com/trump-epa-san-francisco-environmental-violations-7e3003e5-290a-4db0-8f56-e69c6861ee56.html"](https://www.axios.com/trump-epa-san-francisco-environmental-violations-7e3003e5-290a-4db0-8f56-e69c6861ee56.html)] San Francisco last Wednesday that the EPA would issue a notice to the city declaring that it has committed environmental violations because of its homeless crisis.
- The president [[HYPERLINK "https://www.axios.com/trump-task-force-california-homelessness-f6581a2f-3db7-4c46-9d37-013445fe22c2.html"](https://www.axios.com/trump-task-force-california-homelessness-f6581a2f-3db7-4c46-9d37-013445fe22c2.html)] he's considering an "individual task force" to tackle the issue of homelessness in California.

Bloomberg Environment

[[HYPERLINK "https://news.bloombergenvironment.com/environment-and-energy/trump-ratchets-up-fight-with-california-over-its-smoggy-air"](https://news.bloombergenvironment.com/environment-and-energy/trump-ratchets-up-fight-with-california-over-its-smoggy-air)]

Trump Takes Fight With California to Its Smog-Choked Skies (2)

By Jennifer Dlouhy

September 24, 2019

The Trump administration is escalating its fight against California by taking aim at its air pollution problem—a move the state’s governor called a “brazen political stunt.”

The Environmental Protection Agency notified California in a letter Sept. 24 that it has failed to file complete plans for fighting conventional air pollution and may lose highway funding as punishment. The letter comes only days after the EPA said it would strip away two of the state’s tools for fighting smog.

EPA Administrator Andrew Wheeler chided the state for not doing enough to throttle conventional air pollution, noting that [[HYPERLINK "https://www3.epa.gov/airquality/urbanair/sipstatus/reports/ca_areabypoll.html"](https://www3.epa.gov/airquality/urbanair/sipstatus/reports/ca_areabypoll.html)] fail to meet federal air quality requirements, putting some 34 million of its residents at risk.

California “has failed to carry out its most basic tasks under the Clean Air Act” and is failing its residents with the “chronic air quality problems,” Wheeler said in his letter to the head of the California Air Resources Board.

If California doesn’t work with the U.S. EPA to develop complete, approved plans for implementing federal air quality standards—and withdraw unapproved plans now pending with the agency—it could be hit with highway funding sanctions and other consequences, Wheeler wrote.

“We certainly want to avoid these statutory triggers,” he wrote, “but our foremost concern must be ensuring clean air for all Americans.”

The move comes as the Trump administration fights California over auto rules, the state’s pact with carmakers to voluntarily reduce emissions and even trash from its homeless residents. Earlier this month, the Trump administration warned California the voluntary agreement with automakers was unlawful, after the Justice Department opened an antitrust probe into the deal.

And the EPA last week took formal action to repeal California’s power to mandate electric vehicles and limit tailpipe emissions of greenhouse gases. California, which says those requirements are necessary to fight smog, has filed a lawsuit in federal court challenging the move.

Although an EPA official cast the notification on Sept. 24 as part of a broader effort to winnow a backlog of unapproved anti-pollution plans, the official sidestepped questions about what other states have outside backlogs or whether the agency had ever taken similar action against other offenders.

California Governor Gavin Newsom accused the White House of trying to bully the state. “The White House has no interest in helping California comply with the Clean Air Act to improve the health and well-being of Californians,” Newsom said in an emailed statement. “This letter is a threat of pure retaliation.”

Margo Oge, a former director of the EPA transportation and air quality office, said the EPA did not take similar action against a state during her 18 years at the agency.

“President Trump’s punitive actions against California is nothing more than a two-year-old throwing a temper tantrum,” she said.

Representatives of the California Air Resources Board, which oversees air quality in the state, didn’t immediately have a response.

Previously, board Chairman Mary Nichols has maintained that if the state can’t set robust vehicle standards—like those being targeted by the Trump administration—it will need to pursue “extreme” alternatives to offset the uptick in pollution. That could include strict controls on the movement of vehicles, stiffer requirements for refineries processing fuel, fees and even bans on conventional vehicles with combustion engines, Nichols said in May.

A senior EPA official said Sept. 24 the agency wants to winnow a backlog of unapproved anti-pollution plans broadly and is only targeting California first because the state’s 130 unapproved blueprints represent a disproportionate share of the problem. Many of California’s stalled plans are inactive, lack essential information or are otherwise unapprovable, Wheeler said in his letter.

CBS-San Francisco

[HYPERLINK "<https://sanfrancisco.cbslocal.com/2019/09/24/epa-california-officials-exchange-legal-blows-states-highway-funds-threatened/>"]

EPA, California Officials Exchange Legal Blows; State's Highway Funds Threatened

September 24, 2019

The Environmental Protection Agency's battle with California officials heated up another notch Tuesday, with the feds warning the state it could lose federal highway funds if it doesn't clean up its air.

The federal threat came with hours of California Attorney General Xavier Becerra filing a federal lawsuit challenging the EPA's determination that 1,365 acres of salt ponds in Redwood City are not "waters of the United States" under the Clean Water Act.

It was just the latest exchange of blows in what is becoming an extremely hostile relationship between the EPA and California.

In a letter sent Tuesday to the California Air Resources Board, the EPA described the state's air quality as the worst in the country with 34 million people living in areas that do not meet National Ambient Air Quality Standards. That is twice the number of people as in any other state, the agency said.

EPA called on the state to address a backlog in plans aimed at reducing air pollution and to work with the agency to develop workable plans or risk highway funding sanctions and other penalties.

"California has failed to carry out its most basic responsibilities under the Clean Air Act, and as a result, millions of Californians live in areas that do not meet our nation's air quality standards," EPA Administrator Andrew Wheeler said. "EPA stands ready to work with California to meet the Trump Administration's goal of clean, healthy air for all Americans, and we hope the state will work with us in good faith."

The move by the EPA is the latest battle the Trump administration has picked with California over its environmental policies.

Last week, the Trump administration revoked California's authority to set its own emission standards — authority the state has had for decades under a waiver from the federal Clean Air Act.

In response, California sued to stop the Trump administration from revoking its authority to set greenhouse gas emission and fuel economy standards for cars and trucks, enlisting help from other states in a battle that will shape a key component of the nation's climate policy.

Federal law sets standards for how much pollution can come from cars and trucks. But since the 1970s, California has been permitted to set tougher rules because it has the most cars and struggles to meet air quality standards. On Thursday, the National Highway Traffic Safety Administration withdrew California's waiver.

California has also sued the Trump administration over its rollback of environmental and clean air regulations.

In the dispute over development of salt marshes on the San Francisco Bay, California officials have joined actor/activist Robert Redford and a host of environmental groups at odds with the EPA's actions.

The Salt Ponds – an area adjacent to the San Francisco Bay and containing tidal channels and impoundments of bay waters – have been identified as a key area for restoration to improve the Bay ecosystem and to provide resiliency against sea level rise.

The EPA's decision, made at the request of developers, would allow this area to be built upon without the protections afforded by the Clean Water Act. In the lawsuit, Becerra called the action unlawful.

“The Trump Administration continues to endanger California's efforts to protect our environment and public health,” Becerra said in a release. “It's a sad day when the country's ‘environmental protection agency’ looks at San Francisco Bay and doesn't see a body of water that it should protect. We should restore the Bay, not build on top of it. This unlawful proposal is simply an attempt by the EPA to overlook its obligation to protect our nation's waters in order to fast track development. President Trump, California's precious San Francisco Bay is not for sale.”

Courthouse News

[[HYPERLINK "https://www.courthousenews.com/epa-threatens-to-cut-california-road-funds-over-chronic-smog/"](https://www.courthousenews.com/epa-threatens-to-cut-california-road-funds-over-chronic-smog/)]

EPA Threatens to Cut California Road Funds Over ‘Chronic’ Smog

By Nick Cahill

September 24, 2019

Amid a growing dispute over climate change and vehicle emissions standards, the Trump administration on Tuesday threatened to withhold highway funding and other federal grants from California over its “chronic air quality problems.”

U.S. Environmental Protection Agency Administrator Andrew Wheeler accused California in a letter of having hundreds of backlogged air quality improvement plans and 34 million people living in places with air quality below national standards. Wheeler claims California is failing to comply with its “most basic tasks” under the Clean Air Act.

“As evidenced by the EPA’s recent work on interstate air pollution issues as well as analysis accompanying its rulemakings, California’s chronic air quality problems are not the result of cross-state air pollution or this administration’s regulatory reform efforts,” Wheeler said in a letter to the California Air Resources Board, dated Sept. 24.

Wheeler’s letter comes on the heels of the state’s [[HYPERLINK "https://www.courthousenews.com/experts-trump-faces-tough-legal-road-to-kill-california-emissions-waiver/"](https://www.courthousenews.com/experts-trump-faces-tough-legal-road-to-kill-california-emissions-waiver/)] lawsuit against the Trump administration, this time over California’s longstanding right to set emissions rules that are stricter than the federal government’s.

CNET

[[HYPERLINK "https://www.cnet.com/roadshow/news/trump-epa-california-air-quality-emissions-funds/"](https://www.cnet.com/roadshow/news/trump-epa-california-air-quality-emissions-funds/)]

Trump administration's EPA slams California air quality, could revoke highway funds

By Sean Szymkowski

September 24, 2019

The Trump administration upped the ante in an ongoing war over emissions, pollution and the state of California on Tuesday after the EPA announced it has taken action on the state's air quality issues.

Specifically, the Trump administration's EPA stated that Administrator Andrew Wheeler sent a letter to the California Air Resources Board Chairman, Mary Nichols, declaring that the federal government will begin to eliminate its backlog of California State Implementation Plans (SIPs). SIPs are regulations used in a specific territory or state to reduce air pollution in areas that do not meet National Ambient Air Quality Standards (NAAQS).

NAAQS, by default, work to ensure Americans breathe clean air. The EPA argues California has failed to ensure this to its citizens.

"California has failed to carry out its most basic responsibilities under the Clean Air Act, and as a result, millions of Californians live in areas that do not meet our nation's air quality standards," Wheeler said in the letter. He added the agency is ready to work with California to fix air quality issues, but threatened consequences if the state does not act.

CARB did not respond to a request for comment following Administrator Wheeler's letter. If California fails to begin withdrawing SIPs that are inactive or do not meet EPA criteria, the agency proclaimed it has the ability with the federal government to, at most, revoke [[HYPERLINK "https://www.cnet.com/news/america-highway-conditions-infrastructure-spending/"](https://www.cnet.com/news/america-highway-conditions-infrastructure-spending/)] for the state. California receives billions of dollars in federal funds for its highway system. It's also the most populous state in the country.

The EPA said if the state does not withdraw these SIPs it may also evaluate them itself and develop federal plans to "protect public health" in the state. "We certainly want to avoid these statutory triggers, but our foremost concern must be ensuring clean air for all Americans. That is our goal," Wheeler added in the letter.

The move is the [[HYPERLINK "https://www.cnet.com/news/trump-national-fuel-economy-california-emissions/"](https://www.cnet.com/news/trump-national-fuel-economy-california-emissions/)] from the Trump administration following confirmation it will [[HYPERLINK "https://www.cnet.com/news/trump-california-emissions-waiver-fuel-economy/"](https://www.cnet.com/news/trump-california-emissions-waiver-fuel-economy/)]. The system, signed into law as part of the 1970 Clean Air Act, allowed California to [[HYPERLINK "https://www.cnet.com/news/trump-us-fuel-economy-california-waiver/"](https://www.cnet.com/news/trump-us-fuel-economy-california-waiver/)] to combat air quality issues. In 2013, the Trump administration believes a specific waiver granting it authority over

greenhouse gas emissions went too far. California has already announced it will [HYPERLINK "https://www.cnet.com/news/california-trump-lawsuit-clean-car-emissions/"] against the administration that could prove lengthy.

CNN

[[HYPERLINK "https://edition.cnn.com/2019/09/24/politics/epa-california-clean-air-warning/"](https://edition.cnn.com/2019/09/24/politics/epa-california-clean-air-warning/)]

Trump raises stakes in fight with California by threatening to pull highway funds over state air quality plans

By Ellie Kaufman and Nick Watt

September 24, 2019

The Environmental Protection Agency is threatening to withhold federal highway funds from California in the latest skirmish between the Trump administration and the Golden State.

On Tuesday, EPA Administrator Andrew Wheeler [[HYPERLINK "http://cdn.cnn.com/cnn/2019/images/09/24/epa.letter.to.carb.9.24.19.pdf"](http://cdn.cnn.com/cnn/2019/images/09/24/epa.letter.to.carb.9.24.19.pdf)] to California's Air Resource Board warning that it could face serious consequences if the state did not rescind 130 state air quality plans that have been backlogged.

The move comes on the heels of President Donald Trump's statement last week that the EPA is investigating possible water quality violations by the [[HYPERLINK "http://www.cnn.com/2019/09/19/politics/donald-trump-san-francisco-homelessness/index.html"](http://www.cnn.com/2019/09/19/politics/donald-trump-san-francisco-homelessness/index.html)] and the administration's move to [[HYPERLINK "http://www.cnn.com/2019/09/19/politics/wheeler-chao-california/index.html"](http://www.cnn.com/2019/09/19/politics/wheeler-chao-california/index.html)] allowing it to set higher auto emissions standards than the federal government.

"California has failed to carry out its most basic responsibilities under the Clean Air Act, and as a result, millions of Californians live in areas that do not meet our nation's air quality standards," Wheeler said in a statement.

In Wheeler's letter, he says that California has the "worst air quality in the United States, with 82 nonattainment areas and 34 million people living in the areas that do not meet National Air Quality Standards -- more than twice as many people as any other state in the country."

[[HYPERLINK "http://www.cnn.com/2019/09/18/politics/gavin-newsom-california-trump-cnntv/index.html"](http://www.cnn.com/2019/09/18/politics/gavin-newsom-california-trump-cnntv/index.html)] blasted the latest administration action, calling it a "brazen political stunt."

"The White House has no interest in helping California comply with the Clean Air Act to improve the health and well-being of Californians. This letter is a threat of pure retaliation," Newsom said in a statement Tuesday.

These environmental policy fights between California and the Trump administration are part of a bigger political fight, according to CNN senior political analyst Ron Brownstein.

"President Trump is governing as a wartime president," Brownstein said. "Only that the war is against blue America. He is using the power of the federal government to try to constrain and even punish blue states and blue cities that are not part of his political coalition."

Newsom appears to be positioning himself as a proud leader in the fight against the climate crisis. Last week after the EPA announced the end of California's waiver that allowed the state to set its own tailpipe emissions standards, Newsom told reporters, "Let me quote Pericles, who said, 'We do not imitate. For we are a model to others.'"

"We have the moral authority -- and that is something missing in this White House," the governor added.

Brownstein said Newsom "is always balancing between the undeniable appeal of fighting with Trump," calling it "good politics in California," but noting that "there are a lot of ways the federal government can make life difficult for a state."

State implementation plans are regulations that parts of states use to reduce air pollution in areas that don't already meet National Ambient Air Quality Standards. These standards were established under the Clean Air Act and are updated periodically.

California has the biggest share of unapproved backlogged air quality plans, with 130 out of 350 total, EPA officials said. On a call with reporters arranged by EPA about the issue on the condition officials are not quoted by name, a senior EPA official did not name any of the other states with high backlogs.

"We believe that states across the country should withdraw inactive state implementation plans that date back in some places years or decades and in many cases have fundamental approvability issues," a senior EPA official said on the call. "So, we will be communicating with states across the country on this front. California is a unique situation."

E&E News

[[HYPERLINK "https://www.eenews.net/greenwire/stories/1061166061/feed"](https://www.eenews.net/greenwire/stories/1061166061/feed)]

Trump EPA threatens Calif. highway funding

By Maxine Joselow

September 24, 2019

The Trump EPA is threatening to sanction California because of its lack of compliance with federal clean air standards, the latest salvo in its multipronged attack on the Golden State over climate change.

In a [[HYPERLINK "https://www.eenews.net/assets/2019/09/24/document_gw_03.pdf"](https://www.eenews.net/assets/2019/09/24/document_gw_03.pdf)] released yesterday to the California Air Resources Board, EPA Administrator Andrew Wheeler threatened to revoke federal highway funds in retaliation for the state's halting compliance with the Clean Air Act.

The EPA chief wrote that the state had the "worst air quality in the United States" and had "failed to carry out its most basic tasks" under the bedrock environmental law.

The Clean Air Act requires states to submit state implementation plans — commonly known as SIPs — outlining their efforts to comply with federal ambient air quality standards for ozone, particulate matter and four other criteria pollutants.

But according to Wheeler, EPA faces a severe backlog of SIPs and California is largely to blame. "The state of California represents a disproportionate share of the national list of backlogged SIPs, including roughly one-third of EPA's overall SIP backlog," the EPA chief wrote. "California's total portion of the SIP backlog is more than 130 SIPs, with many dating back decades."

Wheeler gave California air regulators until Oct. 10 to withdraw their "incomplete" SIPs and submit new plans covering 82 municipalities facing noncompliance.

If the regulators fail to meet that deadline, Wheeler wrote, the state could be penalized with federal highway funding cuts or New Source Review permitting sanctions. The Trump EPA could also impose its own federal implementation plan.

EPA's move is the latest in a string of attacks on the Golden State over its efforts to reduce air pollution and combat climate change.

President Trump last week threatened to hit California with an environmental violation over its homeless population. The president claimed, without evidence, that homeless people in San Francisco were discarding used needles in storm sewers and contributing to "tremendous pollution" in the ocean.

"It's a terrible situation — that's in Los Angeles and in San Francisco," Trump told reporters aboard Air Force One. "We're going to be giving San Francisco, they're in total violation, we're going to be giving them a notice very soon."

Also last week, Trump announced his intent to revoke California's Clean Air Act waiver for greenhouse gases, which allows the state to set tougher vehicle emissions standards than the federal government ([[HYPERLINK "https://www.eenews.net/stories/1061135105/"](https://www.eenews.net/stories/1061135105/)], Sept. 18).

At a news conference at EPA headquarters, Wheeler and Transportation Secretary Elaine Chao defended the waiver revocation as a return to "one national program" for fuel efficiency ([[HYPERLINK "https://www.eenews.net/stories/1061139351/"](https://www.eenews.net/stories/1061139351/)], Sept. 19).

"We embrace federalism and the role of states. But federalism does not mean that one state can dictate standards for the entire country," Wheeler said.

Critics, however, contend that Trump harbors a personal grudge against California, a liberal bastion that has opposed his administration on issues including immigration, health care and the environment.

"Trump has married his administration-wide hostility to the environment to his personal vendetta against California," Dan Becker, executive director of the Safe Climate Campaign, said in a statement.

Critics also note a certain irony in EPA's move: For decades, California has relied heavily on the Clean Air Act waiver to comply with federal ambient air quality standards.

Indeed, the waiver has allowed California to promulgate a zero-emission vehicle program that has slashed emissions from transportation, which [[HYPERLINK "https://ww2.arb.ca.gov/ghg-inventory-data"](https://ww2.arb.ca.gov/ghg-inventory-data)] for 41% of statewide emissions in 2017.

"Just as the Trump administration is taking yet another political pot shot at California, it's also trying to undercut the zero-emission vehicle program there, which is one crucial way the state is trying to cut down on soot and smog," David Pettit, a senior attorney at the Natural Resources Defense Council, said in a statement.

"If the EPA is serious about wanting to help California's air quality, it should drop its attack on this important initiative to cut pollution," Pettit said.

On a call with reporters this morning, a senior EPA official pushed back on the notion that today's action fit into a pattern of hostility toward California.

"That's not the correct perspective here," the official said, adding, "This is related to California's continued inability to carry out basic tasks under the Clean Air Act."

In response to a question from E&E News, the official said the action had nothing to do with Trump's comments last week about the state's homeless population.

"Yesterday's letter is unrelated to anything on the water front," the person said. "It's just related to California's state implementation plans under the Clean Air Act."

The official declined to say whether EPA would pursue a separate violation against San Francisco over its alleged water pollution problem.

The White House didn't immediately respond to a request for comment.

The Hill

[[HYPERLINK "https://thehill.com/policy/energy-environment/462748-trump-administration-threatens-to-withhold-californias-highway"](https://thehill.com/policy/energy-environment/462748-trump-administration-threatens-to-withhold-californias-highway)]

Trump administration threatens to withhold California's highway funds as state pushes for tougher emissions standards

By Rebeca Beitsch
September 24, 3019

The Trump administration is threatening to withhold highway funding from California over its air pollution — the latest move in a political showdown as the state fights to keep tougher vehicle emissions standards.

Trump's Environmental Protection Agency (EPA) has rolled back the tougher standards California is fighting to keep, spurring a [[HYPERLINK "https://thehill.com/policy/energy-environment/462338-california-23-other-states-sue-trump-admin-over-rules-on-state"](https://thehill.com/policy/energy-environment/462338-california-23-other-states-sue-trump-admin-over-rules-on-state)] from California and 23 other states on Friday.

In a letter to California leaders, EPA Administrator [[HYPERLINK "https://thehill.com/people/andrew-wheelerr"](https://thehill.com/people/andrew-wheelerr)] said the state owes the agency an urgent turnaround on a backlog of air pollution plans.

“Since the 1970s, California has failed to carry out its most basic tasks under the Clean Air Act. California has the worst air quality in the United States,” Wheeler wrote, saying the state has 34 million residents breathing air that does not meet National Ambient Air Quality Standards. The letter was first reported by the [[HYPERLINK "https://www.sacbee.com/news/politics-government/capitol-alert/article235397887.html"](https://www.sacbee.com/news/politics-government/capitol-alert/article235397887.html)] late Monday.

“The White House has no interest in helping California comply with the Clean Air Act to improve the health and well-being of Californians,” Gov. [[HYPERLINK "https://thehill.com/people/gavin-newsom"](https://thehill.com/people/gavin-newsom)] said in a statement to The Hill. “This letter is a threat of pure retaliation. While the White House tries to bully us and concoct new ways to make our air dirtier, California is defending our state’s clean air laws from [[HYPERLINK "https://thehill.com/people/donald-trump"](https://thehill.com/people/donald-trump)]’s attacks. We won’t go back to the days when our air was the color of mud. We won’t relive entire summers when spending time outside amounted to a public health risk. We won’t be intimidated by this brazen political stunt.”

The more stringent vehicle emissions standards California is fighting to keep are tied to its efforts to clean the state’s air. The state is also in the midst of an effort to strike a deal with automakers to produce more fuel efficient vehicles.

“The standards that we are now in the process of enforcing are necessary to protect the public health and welfare, not just because we care about the future of the planet or polar bears, it's because we actually need these extra clean cars in order to meet the health standards that are set

by the federal government that we violate now on a very regular basis throughout Southern California and the San Joaquin Valley," California Air Resources Board Chairwoman Mary Nichols said in a recent press conference announcing the state's [[HYPERLINK "https://thehill.com/policy/energy-environment/461973-california-preps-for-legal-battle-as-trump-moves-to-strip-state"](https://thehill.com/policy/energy-environment/461973-california-preps-for-legal-battle-as-trump-moves-to-strip-state)] the Trump rollbacks.

The EPA also [[HYPERLINK "https://thehill.com/policy/energy-environment/461943-trump-announces-californias-emissions-waiver-will-be-revoked"](https://thehill.com/policy/energy-environment/461943-trump-announces-californias-emissions-waiver-will-be-revoked)] California has relied on for roughly 50 years to set the higher standards.

While California said it will fight to preserve states' rights, now at risk for the state is some \$19 billion in transportation funding it is projected to receive between the 2016 to 2020 budgets.

Wheeler said the state has 130 outdated plans across various regions, some of which date back decades. He gave the state until Oct. 10 to respond, nodding to withholding federal highway funds.

"We certainly want to avoid these triggers, but our foremost concern must be ensuring clean air for all Americans," Wheeler wrote.

In a call with reporters to discuss Wheeler's letter, a top EPA official stressed the move was not a form of retaliation.

"Yesterday's letter is unrelated to last week's announcement," that the EPA would revoke California's waiver, the official said. "This is related to California's continued inability to carry out or attain basic requirements under the Clean Air Act."

The official said the EPA may send similar letters to other states, but could not list other states that also had a high number of backlogged plans, saying only that California represented a disproportionate share.

"There's a strong reason for the focus here. If you're in a hole the first thing is to stop digging," he said.

California doesn't have to meet the air quality standards to keep receiving highway funding, but the EPA could move to withhold funds if the state does not submit an acceptable plan or implement the measures set out in it.

Highway funding can be withheld 24 months after the EPA has determined the state efforts are inadequate unless Wheeler takes action to fast-track the process.

John Walke, clean air director for the Natural Resources Defense Council, said it's hypocritical for EPA to take away tools California needs to improve its air quality while rolling back other regulations designed to curb pollution.

Walke also questioned EPA's decision to ask California to withdraw its old plans when EPA has the power to reject the plans outright.

"Merely raising the specter of highway funds withdrawn is brute political force but California is shrewd and is not going to buckle in the face of their bluff," he said. "Disapproval requires hundreds of hours of his staff to figure out what should be disapproved for plans that have been in EPA offices for years or even decades in some cases."

Huffington Post

[[HYPERLINK "https://www.huffpost.com/entry/epa-california-highway_n_5d89a6c1e4b0d269465370d6"](https://www.huffpost.com/entry/epa-california-highway_n_5d89a6c1e4b0d269465370d6)]

EPA Tells California It Has The ‘Worst Air Quality’ In America, Threatens Highway Funds

By Nick Visser

September 24, 2019

The [[HYPERLINK "https://www.huffpost.com/news/topic/trump-administration"](https://www.huffpost.com/news/topic/trump-administration)] escalated its political war with California on Monday, threatening to withhold federal funding for the state’s highways unless officials dealt with what they referred to as the “worst air quality in the United States.”

Andrew Wheeler, the administrator of the Environmental Protection Agency, [[HYPERLINK "https://www.sfchronicle.com/file/529/1/5291-image2019-09-23-045219.pdf"](https://www.sfchronicle.com/file/529/1/5291-image2019-09-23-045219.pdf)] to California’s Air Resources Board this week that the state had failed to address a backlog of air pollution control plans mandated by federal law. Unless the state takes action on about 130 plans, Wheeler said the EPA would begin a “disapproval process” that could impact billions in funding for its highways.

“Since the 1970s, California has failed to carry out its most basic tasks under the Clean Air Act,” Wheeler wrote in a letter dated Sept. 24, which was first reported by [[HYPERLINK "https://www.sacbee.com/news/politics-government/capitol-alert/article235397887.html"](https://www.sacbee.com/news/politics-government/capitol-alert/article235397887.html)]. “California has the worst air quality in the United States.”

Wheeler requested a response from state officials by Oct. 10. The Bee notes that California was projected to receive around \$19 billion in funding from the Federal Highway Administration from 2016 to 2020.

The White House has [[HYPERLINK "https://www.nytimes.com/2019/09/14/us/california-trump-newsom.html?module=inline"](https://www.nytimes.com/2019/09/14/us/california-trump-newsom.html?module=inline)] over environmental issues for months. Last week, the Trump administration said it would [[HYPERLINK "https://www.huffpost.com/entry/trump-california-car-emissions-pollution_n_5d812854e4b077dcbd65821e"](https://www.huffpost.com/entry/trump-california-car-emissions-pollution_n_5d812854e4b077dcbd65821e)] to set its own auto emissions standards, part of its effort to roll back strict emissions standards set by the Obama administration as a key part of its effort to tackle climate change. [[HYPERLINK "https://www.huffpost.com/entry/california-sues-trump-car-pollution-emissions-standards_n_5d84fda9e4b0957256b650c0"](https://www.huffpost.com/entry/california-sues-trump-car-pollution-emissions-standards_n_5d84fda9e4b0957256b650c0)] shortly after the move was announced, joining nearly two dozen other states.

The Trump administration has also been wielding the power of the EPA in recent months as a means to hit back at the state’s efforts to set its own pollution and climate change standards, even as the White House has [[HYPERLINK "https://www.nytimes.com/interactive/2019/climate/trump-environment-rollbacks.html"](https://www.nytimes.com/interactive/2019/climate/trump-environment-rollbacks.html)] dozens of environmental regulations.

Last week, Trump said he planned to [[HYPERLINK "https://www.huffpost.com/entry/trump-environmental-violations-homelessness-california_n_5d82f01ae4b0849d47235b16"](https://www.huffpost.com/entry/trump-environmental-violations-homelessness-california_n_5d82f01ae4b0849d47235b16)] of federal regulations, citing used syringes and other pollution he said was linked to the state's homeless populations. Officials in the city fired back, saying [[HYPERLINK "https://www.huffpost.com/entry/san-francisco-trump-homeless-needles-syringes_n_5d83b699e4b0849d47259f44"](https://www.huffpost.com/entry/san-francisco-trump-homeless-needles-syringes_n_5d83b699e4b0849d47259f44)] to back up the president's claims.

The New York Times reported early Tuesday that [[HYPERLINK "https://www.nytimes.com/2019/09/24/climate/trump-california-climate-change.html"](https://www.nytimes.com/2019/09/24/climate/trump-california-climate-change.html)] by California's efforts to circumvent his administration's rollbacks of environmental rules. The outlet said that in response, the White House has focused on efforts to punish the state.

Wheeler wrote in his letter this week that the state's backlog of air pollution control plans had impacted up to 34 million Californians and that the agency was only moving to address decades of lapses in environmental monitoring.

"Our foremost concern must be ensuring clean air for all Americans," he wrote. "That is our goal."

Inside EPA

[[HYPERLINK "https://insideepa.com/daily-news/after-california-threat-epa-%E2%80%99speak-closely%E2%80%99-other-states-over-sips"](https://insideepa.com/daily-news/after-california-threat-epa-%E2%80%99speak-closely%E2%80%99-other-states-over-sips)]

After California Threat, EPA To ‘Speak Closely’ With Other States Over SIPs

By Stuart Parker

September 24, 2019

EPA is vowing to “speak closely” with states over their delayed plans for attainment federal air quality standards, says a top agency official, following the Trump administration’s threat to withhold federal highway funding from California unless the state acts quickly to submit “approvable” air quality plans to EPA.

Speaking to reporters on background on a Sept. 24 teleconference, the agency official defended the threat, made in [[HYPERLINK "https://insideepa.com/sites/insideepa.com/files/documents/2019/sep/epa2019_1683.pdf"](https://insideepa.com/sites/insideepa.com/files/documents/2019/sep/epa2019_1683.pdf)] from EPA Administrator Andrew Wheeler to California Air Resources Board (CARB) Chair Mary Nichols demanding action to clear up the backlog of state implementation plans (SIPs). SIPs detail the emissions control measures states will implement to attain national ambient air quality standards.

Asked by a reporter whether EPA would send similar threatening letters to other states with outstanding or non-approvable SIPs, the official also said the agency in the near future would “speak closely” with other states in this position -- but did not indicate that EPA would send them letters threatening sanctions.

Under the Clean Air Act, the agency has authority to withhold highway funds for states that fail to meet their SIP requirements. However, EPA has never used this power against a state. Many opponents of the move view it as a further escalation in the Trump administration’s conflict with California over environmental regulation, coming only days after the administration [[HYPERLINK "https://insideepa.com/node/221459"](https://insideepa.com/node/221459)] to impose tougher greenhouse gas standards on vehicles than federal regulations require.

Former EPA air officials, congressional Democrats and others were harshly critical of the development, some calling it a “temper tantrum” and even a “full war” on California by President Donald Trump.

California Gov. Gavin Newsom (D) in a Sept. 24 statement said Wheeler’s letter is retaliation for the state’s plan to pursue stricter vehicle greenhouse gas standards than the federal government, and other policies.

“The White House has no interest in helping California comply with the Clean Air Act to improve the health and well-being of Californians. This letter is a threat of pure retaliation. While the White House tries to bully us and concoct new ways to make our air dirtier, California

is defending our state's clean air laws from President Trump's attacks." Newsom added, "We won't be intimidated by this brazen political stunt."

Gay MacGregor, a former senior policy advisor in EPA's Office of Transportation and Air Quality (OTAQ) said, "Sanctioning California for not having a plan that gets California into compliance with national clean air standards while at the same time taking away California authority to set its own emissions standards for passenger cars make zero sense. In fact it just makes the case for California to have its own authority stronger."

Further, "The Trump EPA can try to come up with a Federal Implementation Plan [FIP] to get California into compliance with national clean air standards but to succeed it will have to more stringently regulate all the sources California is prohibited from regulating. Good luck with that," she said.

However, one Republican source said the reaction is overblown, and that Wheeler's intervention is merely "good college fun." With respect to withholding of federal highway funds, the source notes that this "particular sanction has never actually been applied."

In 2014, when EPA was pushing ahead with its GHG rule for existing utilities, [[HYPERLINK "https://insideepa.com/node/175703"](https://insideepa.com/node/175703)] against crafting compliance plans and said the agency would be unable to impose highway fund sanctions on them if they refused to comply. The agency's rule ultimately [[HYPERLINK "https://insideepa.com/node/183773"](https://insideepa.com/node/183773)] barring EPA from withholding highway funds for such a refusal.

'Unique Situation'

On the press call about the threat to California, the EPA senior official insisted the move is unrelated to EPA's decision to rescind the state's Clean Air Act waiver authority to set stricter vehicle GHG standards than the federal government, and is instead about California's "unwillingness to do the most basic work."

Pressed on why EPA had singled out California alone for its contribution to the overall backlog of SIPs awaiting approval by EPA, the official focused on the disproportionate number of such plans in California -- more than 130, or roughly one-third of the total.

The official said California's division into several air quality management districts contributed to its "unique situation," involving multiple state government entities and complicating the process of writing SIPs.

Wheeler in his letter to Nichols threatened to disapprove outstanding California SIPs and to start a clock toward imposition of federal sanctions and direct federal regulation.

California has “failed to carry out its most basic tasks under the Clean Air Act” by not submitting adequate SIPs on time, according to Wheeler’s letter. Once EPA disapproves a SIP, it has two years to impose a FIP.

California could also be faced with tougher terms for issuance of new source review (NSR) air permits to industry, contradicting the Trump EPA’s ongoing goal of easing NSR permitting. Wheeler writes that California “has the worst air quality in the United States,” and lays the blame at the state’s door.

“California’s chronic air quality problems are not the result of cross-state air pollution or this Administration’s regulatory reform efforts,” Wheeler writes.

He gives CARB until Oct. 10 to respond “indicating whether it intends to withdraw these SIPs” and replace them with “complete, approvable SIPs.” Withholding of federal highway funds would be a drastic step, as California is a major recipient of the funding.

The Obama administration also undertook efforts to clear the nationwide SIP backlog, a process that requires close collaboration between state and federal air regulators. Wheeler says this remains a priority to the Trump administration, stating in his letter that, “I have recommended the EPA to act quickly to approve or disapprove SIPs and to dramatically reduce the backlog of SIPs nationally.”

In response to the letter, former Obama EPA acting air chief Janet McCabe said, “This is a remarkable move and contrary to the principle of cooperative federalism that is the foundation of Clean Air Act protections. It is also ironic, given that California has put in place the most protective air programs in the country. EPA should be working with the state, not looking for ways to publicly punish it.”

And former Obama OTAQ chief Margo Oge -- an architect of the federal vehicle standards that the Trump EPA is rolling back -- was more direct. “President Trump’s punitive actions against California is nothing more than a two year old throwing a temper tantrum,” Oge said, indicating that California’s recent deal with four major automakers to reduce vehicle emissions has tipped Trump into “a full war against California.”

Los Angeles Times

[HYPERLINK "<https://www.latimes.com/politics/story/2019-09-24/trump-administration-epa-california-highway-funding-clean-air-act-failure>"]

EPA reportedly threatens to cut California's highway funding over Clean Air Act 'failure'

By Alexa Diaz

September 24, 2019

The Trump administration is reportedly threatening to pull federal funding for highways and other transportation projects in California after the state has “failed” to submit complete pollution-control plans required by law.

According to a letter obtained by [HYPERLINK "<https://www.sacbee.com/news/politics-government/capitol-alert/article235397887.html>" \t "_blank"] Environmental Protection Agency Administrator Andrew Wheeler wrote to the California Air Resources Board that the state “has failed to carry out its most basic tasks under the Clean Air Act” since the 1970s. Wheeler specifically cites a backlog of reports that should detail state efforts to cut pollutant emissions under federal law.

Wheeler warned that if California fails to withdraw its “backlogged and unapprovable” reports and work with the EPA to develop complete ones, the administration could hand down sanctions that would mean cuts to highway funding and allow the federal government to develop its own plans.

The letter, which is dated Tuesday and requests a response from state officials by Oct. 10, comes days after several states led by California [HYPERLINK "<https://www.latimes.com/environment/story/2019-09-20/california-sues-trump-car-emissions-authority>"] against the Trump administration, challenging its decision to revoke a decades-old rule that empowers California to set tougher car emissions standards than those required by the federal government.

In Tuesday's letter, Wheeler writes that California “has the worst air quality in the United States,” alleging that 34 million people in California live in areas that don't meet federal air pollution standards — “more than twice as many people as any other state in the country.”

Wheeler wrote that the EPA is working to “dramatically reduce” a backlog of state implementation reports, and that California disproportionately represents one-third of the national list with 130 reports, some decades old.

If implemented, the EPA's sanctions could take a significant toll on California, which the Sacramento Bee reports receives more highway funds than any other state.

The threat follows President Trump's [HYPERLINK "<https://www.latimes.com/california/story/2019-09-17/president-trump-arrives-in-california-after-bashing-the-state-for-its-homeless-problems>"] last

week in which he ramped up his attacks on the state over its homeless crisis. He also [[HYPERLINK "https://www.latimes.com/california/story/2019-09-19/trump-threatens-to-punish-san-francisco-over-filth-needles-pollution"](https://www.latimes.com/california/story/2019-09-19/trump-threatens-to-punish-san-francisco-over-filth-needles-pollution)] San Francisco with some type of violation notice for its “tremendous pollution” flowing into the ocean because of waste in storm sewers, specifically citing used needles.

“It’s a terrible situation — that’s in Los Angeles and in San Francisco,” Trump said, according to a pool report from Air Force One. “And we’re going to be giving San Francisco — they’re in total violation — we’re going to be giving them a notice very soon.” It remains unclear if San Francisco violated any rules.

McClatchy/Sacramento Bee

[HYPERLINK "<https://www.sacbee.com/news/politics-government/capitol-alert/article235397887.html>"]

Trump's EPA threatens California with highway funding cuts over 'worst air quality'

By Michael Wilner

September 24, 2019

The Trump administration is ratcheting up its threats against California with a letter warning the state faces sanctions – including cuts in federal highway funding – over its “failure” to submit complete reports on its implementation of the Clean Air Act.

In the letter to the California Air Resources Board, Andrew Wheeler, administrator of the Environmental Protection Agency, wrote that the state had the “worst air quality in the United States” and had “failed to carry out its most basic tasks” under the federal law.

That law requires states to submit implementation plans to the EPA outlining their efforts to cut emissions of six types of pollutants. When President Donald Trump entered office, the administration faced a backlog of over 700 reports, and roughly 140 of those that remain are from California, Wheeler said in an interview.

“When I learned about this a couple months ago, the question I asked the staffer was, ‘why are we holding on to these – why haven’t we acted?’” Wheeler told McClatchy. “And the response I got back was, ‘we didn’t want to deny them and they couldn’t approve them.’ Well that’s ridiculous to allow 34 million people to live in areas not in compliance with our air standards.”

The administration will give California until October 10 to rescind their “incomplete” plans and resubmit new reports addressing 82 municipalities facing noncompliance.

Its failure to do so will result in “disapproval,” another EPA official said, triggering “sanctions clocks” under the law that would penalize the state with cuts to highway funding – and allow the federal government to impose an implementation plan of its own.

That could amount to a substantial penalty for a state that receives more highway funds than any other state in the country. According to [HYPERLINK "<https://www.fhwa.dot.gov/fastact/funding.cfm>"] California is projected to receive more than \$19 billion from the Federal Highway Administration between fiscal years 2016 and 2020.

Wheeler’s warning to California is the Trump administration’s latest front in a protracted battle with the state over climate change and, in particular, the state’s unique authority to set its own standards for carbon dioxide emissions – a potent greenhouse gas. The EPA moved last week to rescind the federal waiver allowing California to do so, granted by the Clean Air Act of 1970, prompting a lawsuit from California joined within hours by 22 other states.

The administration is moving separately to write new auto emissions standards that would apply to the entire country, rolling back stricter requirements that were set by the Obama administration in agreement with California in 2012.

California leaders, however, have attempted to go around the administration, negotiating their own agreement with automakers to voluntarily lower emissions on new cars built through 2026. Thus far, four leading manufacturers have joined the agreement: Ford, Honda, BMW and Volkswagen.

California Gov. Gavin Newsom blasted Trump during remarks at a climate conference in New York on Monday, accusing the Republican president of infringing on states' rights by undermining California's ability to set its own standards. Newsom also criticized Trump for [HYPERLINK "<https://www.sacbee.com/news/politics-government/capitol-alert/article234794567.html>" \t "_blank"] that negotiate with California.

"I don't know what the hell happened to this country that we have the President that we do today, on this issue," Newsom said Monday morning. "It's a damn shame, it really is. I'm not a little embarrassed about it, I'm absolutely humiliated by what's going on."

The EPA administrator told McClatchy that he moved as quickly as possible to finalize a nationwide tailpipe standard, knowing that its final form would have to stand up to legal scrutiny.

He expects the case will reach the U.S. Supreme Court, setting up a landmark decision on states' rights and environmental policy.

"Is time on our side? I'm assuming we're going to have a second term, so I don't think that's going to matter. These issues will be decided by the courts over the course of his presidency," Wheeler said. "The first part of the regulation could be wrapped up before the election. We'd have to move rather quickly, but it could be wrapped up."

While the EPA's latest move stated in the letter is not directly related to the fight over fuel efficiency standards, the administration is making an argument that could supplement its legal defense: that California has failed to uphold standards for pollutants other than greenhouse gases. Only about a dozen of California's 58 counties meet the [HYPERLINK "https://ww3.arb.ca.gov/desig/adm/2017/state_o3.pdf"], while about half meet [HYPERLINK "https://ww3.arb.ca.gov/desig/adm/2017/state_pm25.pdf"] in the air, such as dust, smoke or other inhalable particles. The counties that meet both standards are primarily rural and sparsely populated.

"California still has and maintains the ability to set standards for the health-based criteria pollutants," Wheeler said. "I think the California Resources Board needs to spend and focus

more time on the non-attainment areas that they have – the 82 non-attainment areas across the state. That has nothing to do with the CO2 or auto standards.”

The EPA letter is addressed to Mary Nichols, chair of the California Air Resources Board whom Wheeler had accused of negotiating in “bad faith” as talks broke down between Washington and Sacramento, fueling the escalation.

“I have nothing personal against Mary – I’ve known her for 22 years. I actually like Mary and we’re working together on NOx reduction from heavy-duty trucks,” Wheeler said, referring to nitrogen oxides, a category of pollutants. “But she wasn’t on the CAFE [Corporate Average Fuel Economy] standards. She was mischaracterizing the negotiations we were having with California.”

The two have not spoken since the talks ended, Wheeler said.

“What the state of California is engaging in is social engineering,” Wheeler added. “We don’t think that’s appropriate.”

NPR

[[HYPERLINK "http://www.capradio.org/news/npr/story?storyid=763876070"](http://www.capradio.org/news/npr/story?storyid=763876070)]

Trump Administration Escalates Battle Over Environmental Regulations With California

By Jeff Brady

September 24, 2019

The Trump administration has escalated its fight with California over environmental regulations.

Environmental Protection Agency Administrator Andrew Wheeler [[HYPERLINK](https://www.scribd.com/document/427264640/California-NAAQS-SIP)

"<https://www.scribd.com/document/427264640/California-NAAQS-SIP>"] Monday to the California Air Resources Board threatening to withdraw billions of dollars in federal highway money unless the state clears a backlog of air pollution control plans.

"California has the worst air quality in the United States, with 82 nonattainment areas and 34 million people living in areas that do not meet National Ambient Air Quality Standards," Wheeler wrote.

California's population, topography, weather and other factors do worsen air pollution there, but the state also is widely recognized as a leader in improving air quality.

Under the Clean Air Act, states that don't meet federal air quality standards are required to submit "State Implementation Plans." Wheeler says California represents a disproportionate share of the backlog of such plans.

"Since the 1970s, California has failed to carry out its most basic tasks under the Clean Air Act," said Wheeler. He then laid out the penalties for failing to meet federal requirements, which include losing federal highway dollars. California is [[HYPERLINK](https://www.fhwa.dot.gov/fastact/estfy20162020apports.pdf) "<https://www.fhwa.dot.gov/fastact/estfy20162020apports.pdf>"] about \$8 billion in fiscal years 2019 and 2020.

The Trump administration has been picking fights with California over environmental regulations recently. Last week the administration said it will [[HYPERLINK](https://www.npr.org/2019/09/18/761815991/white-house-to-revoke-waiver-allowing-california-to-set-its-own-emissions-standa) "<https://www.npr.org/2019/09/18/761815991/white-house-to-revoke-waiver-allowing-california-to-set-its-own-emissions-standa>"] that allows California to set stricter car emission standards.

A senior EPA official said the two actions were not linked and that California is the focus now because it represents the largest share of backlogged plans. Even though other states have similar backlogs, the administration has not sent letters to them.

California officials did not publicly respond to the letter, but Gov. Gavin Newsom has been critical of President Trump's environmental record.

Speaking at a "Climate Week NYC" event on Monday [[HYPERLINK "https://www.gov.ca.gov/2019/09/23/governor-gavin-newsom-delivers-opening-remarks-at-climate-week-nyc/"](https://www.gov.ca.gov/2019/09/23/governor-gavin-newsom-delivers-opening-remarks-at-climate-week-nyc/)], "I don't know what the hell happened to this country that we have the president that we do today, on this issue."

Newsom also criticized Trump for planning to withdraw from the [[HYPERLINK "https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement"](https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement)]
Former EPA officials say they were surprised Wheeler sent the letter to California.

"I just think it's so ironic that the EPA is chastising California, which has been so progressive in working towards cleaner air, more than any other place in the country," says Janet McCabe, who was an EPA official during the Obama administration and now directs Indiana University's Environmental Resilience Institute.

McCabe says it's unusual for the EPA to publicly criticize a state in this way. She says typically the agency would communicate with a state privately and work out differences to encourage a cooperative rather than adversarial relationship.

New York Times

[[HYPERLINK "https://www.nytimes.com/2019/09/24/climate/trump-california-climate-change.html"](https://www.nytimes.com/2019/09/24/climate/trump-california-climate-change.html)]

Trump Administration Threatens to Cut U.S. Highway Funds From California

By Coral Davenport

September 24, 2019

The political war between California and the Trump administration escalated Monday with a [HYPERLINK](#)

"<https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Aascds%3AUS%3A846a6159-dc9a-4e13-838c-815cfcc438d1>" \t "_blank"] from Andrew Wheeler, the head of the Environmental Protection Agency, warning that Washington would withhold federal highway funds from the state if it did not rapidly address a decades-long backlog of state-level pollution control plans.

The letter is the latest parry between [[HYPERLINK](#)

"<https://www.nytimes.com/2019/09/14/us/california-trump-newsom.html?module=inline>"].

California's recent actions on clean air and climate change policy have blindsided and enraged him, according to two people familiar with the matter.

While California has angered Mr. Trump with its efforts to adhere to stricter state standards on climate change pollution from vehicles even as Mr. Trump has sought to roll back such standards nationally, Mr. Wheeler's new letter to the state offers a twist on the narrative.

It states that California "has the worst air quality in the United States," including 82 areas within the state with air quality that does not meet federal law. It says that by law, the state is required to submit plans for reducing that pollution, but that California has a backlog of about 130 incomplete or inactive plans, "many dating back decades."

The letter notes that California has more than 34 million people living in areas that do not meet federal air pollution standards for pollutants like soot and smog — "more than twice as many people as any other state in the country."

Mr. Wheeler says in the letter that he is calling attention to California's backlog as part of a broader effort to "dramatically reduce" such backlogs nationally.

He says that California's failure to address the backlogged plans may result in penalties such as the withholding of federal highway funds, or the implementation of federal plans.

The letter requests a response from the state by Oct. 10.

California's governor, Gavin Newsom, called the E.P.A.'s administrator pure politics.

"The White House has no interest in helping California comply with the Clean Air Act to improve the health and well-being of Californians," he said in a statement Tuesday. "This letter is a threat of pure retaliation. While the White House tries to bully us and concoct new ways to

make our air dirtier, California is defending our state's clean air laws from President Trump's attacks. We won't go back to the days when our air was the color of mud. We won't relive entire summers when spending time outside amounted to a public health risk. We won't be intimidated by this brazen political stunt."

The E.P.A. letter, made public on Monday but dated Sept. 24, was first reported by The [HYPERLINK "https://www.sacbee.com/news/politics-government/capitol-alert/article235397887.html" \t "_blank"]. California officials said Monday night that they had only just received it, and they declined to respond until they had time to review it. A spokesman for the White House referred questions to the E.P.A., and a spokesman for the agency did not immediately respond to an emailed request for comment.

The letter follows [HYPERLINK "https://www.nytimes.com/2019/09/17/climate/trump-california-emissions-waiver.html?module=inline"] that his administration would revoke California's legal authority to set its own stringent state-level regulations on planet-warming pollution from vehicle tailpipes. On Friday, [HYPERLINK "https://www.nytimes.com/2019/09/20/climate/california-auto-emissions-lawsuit.html?module=inline"] expected to be resolved only before the Supreme Court, accusing Mr. Trump of trampling on both states' rights and on major efforts to fight climate change.

In fact, one of the key legal arguments made by the California lawsuit last week is that those tailpipe standards are required for the state to control emissions of the other pollutants, like soot and smog, at levels required to meet even federal standards.

"We need the extra clean cars to meet the standards set by the federal government," Mary Nichols, California's top clean air regulator, said at a news conference last week. "If this prevails, millions of people in California will breathe dirty air. There will be more pollution, more asthma, more hospitalizations, more premature deaths."

Mr. Trump's move to revoke California's authority to set climate standards from vehicle pollution came after an announcement in July that four automakers that opposed Mr. Trump's plan to roll back the national vehicle tailpipe pollution standard [HYPERLINK "https://www.nytimes.com/2019/07/25/climate/automakers-rejecting-trump-pollution-rule-strike-a-deal-with-california.html?module=inline"] to comply with tighter emissions standards if the broader rollback goes through.

Mr. Trump, who was surprised and angered by that announcement, according to two people familiar with the matter, has since sought to push policies that would punish California. Earlier this month, the Justice Department [HYPERLINK "https://www.nytimes.com/2019/09/06/climate/automakers-california-emissions-antitrust.html?module=inline"] into whether the automakers' deal with California violates antitrust laws, although a person familiar with the investigation said that it was not started at the request of Mr. Trump or any administration officials.

Politico Pro

[[HYPERLINK "https://subscriber.politicopro.com/transportation/whiteboard/2019/09/epa-california-highway-funding-threat-about-air-quality-not-retribution-3891331"](https://subscriber.politicopro.com/transportation/whiteboard/2019/09/epa-california-highway-funding-threat-about-air-quality-not-retribution-3891331)]

EPA: California highway funding threat about air quality, not retribution

By Alex Guillen

September 24, 2019

A senior EPA official today defended EPA's threat to withhold highway funding from California as an effort to clean up the nation's worst air quality area, not a move to target the state that has pushed back against many Trump administration policies.

EPA notified California on Monday in a [[HYPERLINK](https://subscriber.politicopro.com/f/EPA_letter_on_California_SIP_b.pdf?&id=0000016d-6376-d49d-ab7f-e376d3d90001)

"https://subscriber.politicopro.com/f/EPA_letter_on_California_SIP_b.pdf?&id=0000016d-6376-d49d-ab7f-e376d3d90001" \t "_blank"] that it should act soon on some 130 pending "state implementation plans" aimed at curbing ozone, particulate matter and other types of pollution that pose a public health risk — or risk losing federal highway money.

"The administration and EPA's goal is to get the country into attainment with National Ambient Air Quality Standards that will protect public health with an adequate margin of safety for Americans across the country," said the EPA official who spoke to reporters on background.

"And so we think California is a logical place to start."

Reuters

[HYPERLINK "<https://ijr.com/trump-epa-blasts-california-air-quality-threatens-to-withdraw-highway-funds/>"]

Trump EPA Blasts California Air Quality, Threatens to Withdraw Highway Funds

By David Shepardson

September 24, 2019

The Trump administration escalated its fight with California on Tuesday, accusing the state of failing to enforce the U.S. Clean Air Act and threatening to withdraw billions of dollars in federal highway funds to the country's most populous state.

California, which has imposed strict state standards limiting vehicle emissions in defiance of Trump's attempts to roll back regulations, has "the worst air quality in the United States," U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler wrote California Air Resource Board chief Mary Nichols in a letter dated Sept. 24.

The letter contended that California "has failed to carry out its most basic tasks under the Clean Air Act."

Last week, the EPA said it was taking the unprecedented step of revoking California's waiver under the Clean Air Act to set tailpipe emissions standards and require zero emission vehicles, while the National Highway Traffic Safety Administration (NHTSA) said California was preempted from take action on tailpipe emissions.

On Friday, California and 22 other states sued NHTSA and it plans to challenge the EPA decision at a later date. The letter was reported Monday by the Sacramento Bee but was to be announced by the EPA Tuesday.

Earlier this year, the Trump administration said it was withholding \$929 million from California's high-speed rail project that was awarded in 2010.

San Francisco Chronicle

[[HYPERLINK "https://www.sfchronicle.com/environment/article/Trump-EPA-threatens-to-freeze-California-highway-14462935.php"](https://www.sfchronicle.com/environment/article/Trump-EPA-threatens-to-freeze-California-highway-14462935.php)]

Trump EPA threatens to freeze California highway funding

September 24, 2019

The Trump administration is threatening to freeze California's federal highway funding and implement other sanctions against the state over its alleged failure to submit air pollution control plans as required under the federal Clean Air Act.

[[HYPERLINK "https://www.sfchronicle.com/file/529/1/5291-image2019-09-23-045219.pdf"](https://www.sfchronicle.com/file/529/1/5291-image2019-09-23-045219.pdf)], Environmental Protection Agency Administrator Andrew Wheeler accused the state of failing for decades to “carry out its most basic tasks under the Clean Air Act,” according to a document provided to The Chronicle by the Air Resources Board.

The warning comes after Trump and California leaders have repeatedly clashed over climate change policy, a fight that escalated last week when his administration moved to [[HYPERLINK "https://www.sfchronicle.com/politics/article/California-and-22-states-file-lawsuit-over-14455680.php"](https://www.sfchronicle.com/politics/article/California-and-22-states-file-lawsuit-over-14455680.php)] to set tailpipe emissions standards. California's Attorney General Xavier Becerra on Friday responded by filing a lawsuit against the administration along with 22 other states and the District of Columbia.

Officials from the EPA did not respond to requests for comment Monday evening.

The EPA's warnings came on the same day Gov. Gavin Newsom blasted Trump's environmental policies during delivered opening remarks Monday at Climate Week NYC.

“I don't know what the hell happened to this country that we have a president that we do today on this issue,” Newsom said, according to the [[HYPERLINK "https://www.latimes.com/california/story/2019-09-23/gavin-newsom-un-climate-change-event-new-york"](https://www.latimes.com/california/story/2019-09-23/gavin-newsom-un-climate-change-event-new-york)]. “Because it's a damn shame. It really is. I'm not a little embarrassed about it — I'm absolutely humiliated by what's going on.”

In the letter, Wheeler states that 34 million Californians are living in areas that don't meet National Ambient Air Quality Standards, a figure he says more than doubles the number in any other state.

Late Monday night, Newsom called the letter “a threat of pure retaliation.”

“The White House has no interest in helping California comply with the Clean Air Act to improve the health and well-being of Californians,” Newsom said. “While the White House tries to bully us and concoct new ways to make our air dirtier, California is defending our state's clean air laws from President Trump's attacks. We won't go back to the days when our air was the

color of mud. We won't relive entire summers when spending time outside amounted to a public health risk. We won't be intimidated by this brazen political stunt."

According to the Air Resources Board, California's air pollution is due mainly to three factors: its population of nearly 40 million people, a topography that traps pollution, and its sunny and warm climate. Some of the worst pollution is in the same areas as some of the state's most productive farmland.

Wheeler was quick to point the blame squarely at California, and said its "chronic" air quality concerns are not the result of pollution from other states or the Trump administration's reform efforts.

Wheeler also accused California of representing a disproportionate share of backlogged State Implementation Plans, or SIPs, which are blueprints on how states will achieve and maintain air quality standards.

Wheeler said California is responsible for 130 backlogged plans, with some dating back decades. "Most of these SIPs are inactive and appear to have fundamental issues related to approvability, state-requested holds, missing information or resources," Wheeler wrote.

The administrator recommended that state officials withdraw these "backlogged and unapprovable SIPs" and replace them with complete and approvable ones.

Failure to do so, he said, will trigger "statutory clocks" for highway funding sanctions, which Wheeler said could mean a prohibition on transportation projects and grants.

Wheeler asked the Air Resources Board to respond by Oct. 10 on whether it will withdraw and refile the plans.

"We certainly want to avoid these statutory triggers," he wrote in closing. "But our foremost concern must be ensuring clean air for all Americans. This is our goal."

U.S. News & World Report

[[HYPERLINK "https://www.usnews.com/news/national-news/articles/2019-09-24/trumps-epa-threatens-to-pull-federal-highway-funds-over-california-air-quality"](https://www.usnews.com/news/national-news/articles/2019-09-24/trumps-epa-threatens-to-pull-federal-highway-funds-over-california-air-quality)]

Trump's EPA Threatens to Pull Federal Highway Funds Over California Air Quality

By Cecelia Smith-Schoenwalder

September 24, 2019

THE ENVIRONMENTAL Protection Agency has threatened to take away billions of dollars in federal highway funding for California if it doesn't improve its plans to address air pollution – the latest battle in the war between the Trump administration and the state.

The EPA said it sent the California Air Resources Board a [[HYPERLINK "https://www.epa.gov/sites/production/files/2019-09/documents/california_naaqs_sip.pdf"](https://www.epa.gov/sites/production/files/2019-09/documents/california_naaqs_sip.pdf)] dated Tuesday notifying the state agency that it is behind on air pollution plans that require the federal agency's approval.

"California has failed to carry out its most basic responsibilities under the Clean Air Act, and as a result, millions of Californians live in areas that do not meet our nation's air quality standards," EPA Administrator Andrew Wheeler said. "EPA stands ready to work with California to meet the Trump Administration's goal of clean, healthy air for all Americans, and we hope the state will work with us in good faith."

The move comes a week after the [[HYPERLINK "https://www.usnews.com/news/national-news/articles/2019-09-17/trump-to-revoke-californias-authority-to-set-stricter-vehicle-emissions-limits"](https://www.usnews.com/news/national-news/articles/2019-09-17/trump-to-revoke-californias-authority-to-set-stricter-vehicle-emissions-limits)] California's ability to set stricter emission standards for cars, spurring a lawsuit from California and 22 other states. A senior EPA official told reporters on a call Tuesday that the actions were unrelated to each other.

The official said that notifying California was the first step in a plan to get more of the country in attainment with national standards, but the official could not say what other states the agency would be contacting.

"We thought it was prudent to start in the place with the largest problems," the EPA official said.

According to the EPA, California represents about one-third of the agency's backlog for state implementation plans, which are used in places where air quality does not meet national standards. Federal standards exist for carbon monoxide, lead, nitrogen oxide, ozone, particulate matter and sulfur dioxide.

The EPA said in a press release that "California has the worst air quality in the United States," with 34 million people breathing air that doesn't meet federal standards.

The federal agency threatened that disapproval of these plans could trigger highway funding sanctions, including for federal transportation projects.

"We certainly want to avoid these statutory triggers, but our foremost concern must be ensuring clean air for all Americans. That is our goal," Wheeler said.

California Gov. Gavin Newsom told [HYPERLINK "<https://thehill.com/policy/energy-environment/462748-trump-administration-threatens-to-withhold-californias-highway>" \t "_blank"] that the letter "is a threat of pure retaliation."

"While the White House tries to bully us and concoct new ways to make our air dirtier, California is defending our state's clean air laws from President Trump's attacks," Newsom said. "We won't go back to the days when our air was the color of mud. We won't relive entire summers when spending time outside amounted to a public health risk. We won't be intimidated by this brazen political stunt."

Wall Street Journal

[HYPERLINK "<https://www.wsj.com/articles/trump-administration-threatens-to-withhold-california-transportation-funds-11569343919>"]

Trump Administration Threatens to Withhold California Transportation Funds

By Katy Stech Ferek

September 24, 2019

The Trump administration accused California of failing to take steps to fix air-quality problems in several parts of the state, putting it at risk of losing federal funding for its highways and other transportation projects.

Officials at the U.S. Environmental Protection Agency on Tuesday sent a letter to California air quality officials about what they said are incomplete or unworkable air-pollution plans that state officials have submitted since the 1970s. Under the federal Clean Air Act, federal regulators review and approve those plans.

Failing to withdraw those plans could lead the state to lose federal money for transportation projects, they said.

EPA officials added that California has 34 million residents living in areas that don't meet national air-quality standards. They asked state officials to tell them by Oct. 10 whether the state will withdraw old plans.

The California Air Resources Board didn't immediately respond to requests for comment.

The letter was sent less than one week after the EPA and U.S. Transportation Department moved to take away California's ability to set its own vehicle emissions standards, a step toward easing tougher requirements set by the Obama administration. California later sued to protect that power.

Washington Examiner

[[HYPERLINK "https://www.washingtonexaminer.com/policy/energy/epa-threatens-california-over-backlog-of-100-plus-air-quality-plans"](https://www.washingtonexaminer.com/policy/energy/epa-threatens-california-over-backlog-of-100-plus-air-quality-plans)]

EPA threatens California over backlog of 100-plus air quality plans

By Abby Smith

September 24, 2019

The Environmental Protection Agency is threatening to withhold highway funds and permitting approvals from California until the state agrees to redo more than 100 air quality plans.

California "has failed to carry out its most basic tasks under the Clean Air Act," EPA Administrator Andrew Wheeler wrote in a Sept. 24 letter to the state's top air regulator, Mary Nichols. Wheeler said in the letter that California represents about a third of the air quality plans the EPA has in a backlog, neither approved nor denied, and some of those plans date back to pollution limits from the 1970s.

States are required to submit plans outlining how they'll meet federal air quality standards for pollutants like ozone and particulate matter that contribute to smog and soot. The EPA then is supposed to approve or disapprove those plans.

The EPA is now threatening to disapprove California's plans if the state doesn't withdraw them. If the EPA denies a state plan, that could trigger highway funding sanctions, withholding of federal air quality permits, and issuance of a federally mandated plan for the state, Wheeler said in the letter.

The move is the second EPA threat against California in recent weeks. The EPA, along with the Transportation Department, [[HYPERLINK "https://www.washingtonexaminer.com/policy/energy/epa-tees-up-retaliation-against-california-fuel-economy-deal"](https://www.washingtonexaminer.com/policy/energy/epa-tees-up-retaliation-against-california-fuel-economy-deal)] Sept. 19 it was eliminating the state's authority to set its own greenhouse gas and zero-emissions vehicle standards. California regulators have said those limits are a critical piece of the state's plans to cut both greenhouse gases and emissions of air pollutants.

A senior EPA official, though, told reporters Tuesday the agency's move wasn't a direct attack on California. The official said California has some of the worst air quality in the country and more than twice as many people living in areas that do not meet federal air quality limits than any other state.

"There is a strong reason for the focus here," the EPA official said. "If you're in a hole, then the first thing is to stop digging."

But the EPA official didn't provide a list of any other state facing a similar backlog of state plans and didn't say whether the agency was considering similar threats against those states. Former EPA officials blasted the move, arguing it flies in the face of the states' rights the Trump administration claims to value.

The move is "also ironic, given that California has put in place the most protective air programs in the country," Janet McCabe, who headed the EPA's air office from 2013-2017, said in a statement.

"EPA should be working with the state, not looking for ways to publicly punish it," McCabe, now director of Indiana University's Environmental Resilience Institute, added.

Washington Free Beacon

[[HYPERLINK "https://freebeacon.com/issues/trump-admin-demands-california-address-worst-air-quality-in-u-s/"](https://freebeacon.com/issues/trump-admin-demands-california-address-worst-air-quality-in-u-s/)]

Trump Admin Demands California Address 'Worst Air Quality' in U.S.

By Brent Scher

September 24, 2019

The Trump administration has warned the state of California that it will face consequences if it fails to submit plans addressing what the Environmental Protection Agency called the "worst air quality" of any state in the country, according to a [[HYPERLINK "https://freebeacon.com/wp-content/uploads/2019/09/Scanned-Document.pdf"](https://freebeacon.com/wp-content/uploads/2019/09/Scanned-Document.pdf)] from the agency.

The letter from EPA administrator Andrew Wheeler states that 34 million people in California are living in areas that don't meet federal air quality standards, a number twice as large as any other state in the country. It further states the plans California has submitted to the EPA, known as State Implementation Plans (SIPs), to address areas with inadequate air quality "have fundamental issues related to approvability" and must be resubmitted.

The letter informs California that if it fails to submit new plans to increase air quality, the state would be ineligible to receive billions of dollars it is otherwise projected to get from the Federal Highway Administration.

"We certainly want to avoid these statutory triggers, but our foremost concern must be ensuring clean air for all Americans," Wheeler says in the letter. "That is our goal."

The letter gives California until Oct. 10 to notify the EPA whether it plans to withdraw and resubmit the SIPs. The federal government could impose its own plan on California if it fails to get new SIPs approved. Wheeler expressed hope that California will work with the Trump administration to address its failures.

"California has failed to carry out its most basic responsibilities under the Clean Air Act, and as a result, millions of Californians live in areas that do not meet our nation's air quality standards," he said in a statement on the letter. "EPA stands ready to work with California to meet the Trump administration's goal of clean, healthy air for all Americans, and we hope the state will work with us in good faith."

Wheeler told [[HYPERLINK](https://www.mcclatchydc.com/news/policy/environment/article235397887.html)

["https://www.mcclatchydc.com/news/policy/environment/article235397887.html"](https://www.mcclatchydc.com/news/policy/environment/article235397887.html)]

Michael Wilner past administrations allowed California to avoid consequences for its failure to submit air quality plans to the EPA.

Wheeler only learned this summer of a giant backlog of SIPs, including more than 130 unprocessed plans from California alone. He was told the backlog resulted from previous

administrations' unwillingness to deny plans from California due to the harsh penalties tied to a failing grade from the EPA.

"When I learned about this a couple months ago, the question I asked the staffer was, 'why are we holding on to these—why haven't we acted?'" Wheeler said. "And the response I got back was, 'we didn't want to deny them and they couldn't approve them.' Well that's ridiculous to allow 34 million people to live in areas not in compliance with our air standards."

The agency says the plans it currently has on file from California fail to meet the "minimum threshold of public health protection necessary for approval." The EPA also says it's prepared to put together plans for California itself if the state declines to cooperate.

"As a first step, EPA is calling on California to immediately withdraw inactive SIPs that would most likely be denied," the agency said. "If California does not withdraw the inactive SIPs in a timely manner, EPA will begin the process of evaluating these SIPs for disapproval and developing Federal Implementation Plans that are approvable and will protect public health."

Washington Post

[[HYPERLINK "https://www.washingtonpost.com/climate-environment/2019/09/24/trump-officials-threaten-withhold-highway-funds-california-its-chronic-air-quality-problems/"](https://www.washingtonpost.com/climate-environment/2019/09/24/trump-officials-threaten-withhold-highway-funds-california-its-chronic-air-quality-problems/)]

Trump officials threaten to withhold highway funds from California for its ‘chronic air quality problems’

By Juliet Eilperin and Dino Grandoni

September 24, 2019

Trump administration officials threatened this week to withhold federal highway funds from California, arguing that it had failed to show what steps it is taking to improve its air quality. The move by the Environmental Protection Agency escalates the fierce battle between President Trump and the left-leaning state, and could put billions in federal funds in jeopardy.

In [[HYPERLINK "https://www.washingtonpost.com/context/sept-24-letter-from-environmental-protection-agency-to-california-air-resources-board/9c6d8b92-4577-43f3-ad25-c9fc3dd1ce20/?tid=lk_inline_manual_3"](https://www.washingtonpost.com/context/sept-24-letter-from-environmental-protection-agency-to-california-air-resources-board/9c6d8b92-4577-43f3-ad25-c9fc3dd1ce20/?tid=lk_inline_manual_3)] sent late Monday to the California Air Resources Board, EPA Administrator Andrew Wheeler suggested that the state “has failed to carry out its most basic tasks under the Clean Air Act,” and needs to either update its plans to tackle air pollution or risk losing federal highway funds. California receives billions in highway funding from the U.S. government every year, and federal officials have the right to halt that money if they determine that a state is not taking sufficient steps to show how it aims to cut air pollution such as soot or smog-forming ozone.

In the letter, Wheeler notes that 34 million Californians live in areas that don’t meet federal National Ambient Air Quality Standards, more than twice as many residents than any other state. California has more than 130 “state implementation plans,” which serve as blueprints for how California would tackle these pollutants, awaiting federal approval.

“California has the worst air quality in the United States,” he wrote, adding that many of its plans “are inactive and appear to have fundamental issues” that would keep them from getting approved.

The decision to invoke a rarely used federal punishment represents the latest salvo in the Trump administration’s feud with California over environmental and other policy issues. Just last week, the EPA joined the Transportation Department in [[HYPERLINK "https://www.washingtonpost.com/climate-environment/2019/09/18/trump-says-hes-revoking-californias-power-limit-pollution-cars-trucks/?tid=lk_inline_manual_8"](https://www.washingtonpost.com/climate-environment/2019/09/18/trump-says-hes-revoking-californias-power-limit-pollution-cars-trucks/?tid=lk_inline_manual_8)].

California officials have repeatedly argued that they have sought to impose stricter limits on greenhouse gas emissions from vehicles as part of a broader effort to tackle air pollution in their state. The vehicle standards the Trump administration is blocking, CARB chairwoman Mary Nichols said last week, “are necessary to protect the public health standards and welfare.” Nichols could not immediately be reached for comment Tuesday.

Bill Becker, president of Becker Environmental Consulting, said in a phone interview that it did not make sense for the administration to punish California for failing to address air pollution in the state when it was simultaneously blocking its efforts to cut down on these emissions.

“Isn’t it ironic that EPA is taking away some of the important regulatory tools for meeting the federal health-based standards, and then sanctioning California?” Becker said. “It’s like the kid killing his parents, and then pleading for mercy because he’s an orphan.”

To: adm15.arwheeler.email[adm15.arwheeler.email@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Molina, Michael[molina.michael@epa.gov]
From: Benevento, Douglas[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: Mon 10/14/2019 4:18:01 PM (UTC)
Subject: SIP Disapproval Process
[10-11-2019 OAR SIP Process Information.docx](#)

Administrator, attached is a memo laying out the process after a SIP is disapproved by EPA or withdrawn by a State. The memo is slightly over a page but the condensed version of it is the following:

Whether approving or disapproving a SIP EPA is required to make certain findings. Upon receiving a SIP EPA has six months to make a determination that a SIP is complete and then it has another year approve or disapprove a SIP. In the case of a completeness determination if EPA does not act within six months a SIP is deemed complete. So for example, all SIPs in our backlog that are older than six months and that we did not make a completeness determination on are considered complete. I do not believe that a SIP is approved after one year if EPA does not act but I want to confirm that with Air, however, we would not have a SIP backlog if that was the case. Also, there are sequential clocks, so the six months runs, then the year runs.

In the context of our backlog, the burden is on EPA to make a determinations whether the SIPs in our backlog are approvable. The approval or disapproval of a SIP is done through the notice and comment process. In order to start managing the backlog we should start noticing SIPs for comment. If after receiving comment we determine that a SIP is deficient we would disapprove it, in whole or in part. At that point the sanctions clock would begin running. EPA would have 24 months to develop a FIP that would address the basis for disapproval. The state or jurisdictional entity can still submit a SIP during this time and if EPA approves it, EPA would not need to develop a FIP.

With respect to sanctions, depending upon the SIP that is disapproved there are highway sanctions and offset sanctions, these sanctions are required if nonattainment SIP or a "required" SIP has been disapproved. Highway sanctions will be imposed 24 months after disapproval and enhanced offset sanctions under NSR will be set at 2-1 at 18 months, also after disapproval. Sanctions are halted if a SIP is submitted and approved by EPA, sanctions can also be deferred if a SIP is submitted and EPA makes an interim determination of approval.

Withdrawal of a SIP alone does not start a sanctions clock. EPA must make a determination that a state or other jurisdictional entity did not submit a required SIP. EPA does have a duty to make such a finding if a SIP deadline is missed. However, sanctions work differently under a withdrawal scenario. Such a finding does trigger the sanctions clock. For the sanctions clock to be stopped it is only required that a SIP be submitted to EPA that is deemed complete. However, for the FIP clock to be halted, a SIP must be submitted and approved.

If you have questions let me know. I know you have press availability tomorrow and I have some thoughts I'll send for that as well later today.

I hope you had a nice weekend.

Doug

SIP Process:

First, when a state submits a SIP, under section 110(k)(1) EPA must determine whether it meets minimum criteria to be deemed complete. EPA is required to make this determination within 60 days of receiving the SIP, and if EPA does not make a determination, the SIP becomes complete by operation of law 6 months after its receipt.

If EPA determines that a SIP submission is not complete, it is treated as if the state made no SIP submission. If EPA makes an affirmative completeness determination, EPA typically undertakes this process without conducting notice and comment rulemaking, with Regional Administrators or their delegates signing completeness or incompleteness letters that are sent to states. This process occurs rarely and most SIPs are deemed complete by operation of law at the 6 month post-submittal mark.

Sections 110(k)(2)-(3) then require EPA to approve or disapprove¹ a SIP, in whole or in part, **within 1 year** of its completeness determination. EPA undertakes approvals through the informal notice and comment rulemaking process of the Administrative Procedure Act (APA), with proposed and final rules signed by Regional Administrators and published in the *Federal Register*. Consequently, given the combined required timing for completeness determinations and SIP approvals/disapprovals, it is common to say that **EPA has “18 months” on which to act on a complete SIP**, although technically it is 12 months from completeness.

The specific consequences that flow from a SIP disapproval depend on the specific type of SIP that was disapproved, and the consequences/timing may also be informed by the pollutant(s) at issue in the disapproved SIP, and the designation and/or classification of the area for the specific pollutant(s) at issue, among other factors. In addition, to the extent portions of a SIP are severable, EPA may approve some and take other action on other parts (disapproval, conditional approval etc...). All approvals or disapprovals of SIP are final actions that may be challenged within 60-days of publication in the appropriate U.S. Court of Appeals.

Sanctions Following Disapproval:

Generally, if the SIP is a “required” SIP, the most immediate consequences of disapproval are two-fold:

- 1) The triggering of the 2-year “Federal Implementation Plan (FIP) Clock” under CAA section 110(c)(1). The disapproval begins a 24-month timeline by which EPA is obligated to promulgate a FIP that corrects the deficiencies that led to disapproval. FIPs are promulgated through notice and comment rulemaking and subject to the specific procedures set forth in CAA section 307(d). Only EPA approval (through APA notice/comment rulemaking) of a subsequent SIP that corrects the original deficiencies will stop the FIP clock and remove EPA’s obligation to promulgate a FIP. See CAA section 110(c)(1).
- 2) Triggering of a mandatory sanctions clock under CAA section 179(a)(2) or (3)(B). Sanctions under section 179 must apply in a number of circumstances, including where EPA disapproves a SIP submission for a nonattainment area based on its failure to meet one or more elements required by the Act and/or EPA disapproves a required submission, unless EPA determines that the state corrected the deficiency before the deadline for imposing sanctions arrives. One sanction must be imposed within 18 months after the SIP disapproval, and another must be imposed within 24 months of disapproval.

¹ Under the CAA, EPA may also “conditionally approve” a SIP as described in section 110(k)(4).

The two types of sanctions are set forth at section 179(b)(1)-(2) – highway sanctions in the form of a prohibition on DOT’s approval of projects or awarding of grants in a nonattainment area (subject to numerous exceptions), and offset sanctions raising the nonattainment area new source review offset requirement to at least 2-to-1. EPA’s regulations at 40 CFR 52.31 address mandatory sanctions and provide that the offset sanction is to be imposed at the 18-month point and the highways sanction at the 24-month point, unless EPA has determined that the underlying SIP deficiency has been corrected.

The sanctions rule includes comprehensive provisions for what types of state and EPA action are necessary for a sanctions clock to be temporarily deferred or permanently stopped. In general, for a SIP disapproval situation, the sanctions clock will be permanently stopped by EPA’s final approval of a SIP correcting the original disapproval, under 40 CFR 52.31(d)(5). Application of sanctions can be deferred by submission of a complete SIP followed by EPA’s proposed approval of it and accompanied by EPA’s interim final determination that the deficiency has been corrected under 40 CFR 52.31(d)(2).

Highway Sanctions:

There are several types of projects that are exempt: safety programs and projects, air quality improvement projects that do not encourage single occupancy vehicle capacity and seven types of projects authorized in the Clean Air Act:

1. Capital programs for public transit;
2. Construction or restriction of certain roads or lanes solely for the use of passenger buses or high occupancy vehicles; planning for requirements for employers to reduce employee work-trip-related vehicle emissions;
3. Highway ramp metering, traffic signalization, and related programs that improve traffic flow and achieve a net emission reduction;
4. Fringe and transportation corridor parking facilities serving multiple occupancy vehicle programs or transit operations;
5. Programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use, through road use charges, tolls, parking surcharges, or other pricing mechanisms, vehicle restricted zones or periods, or vehicle registration programs;
6. Programs for breakdown and accident scene management, nonrecurring congestion, and vehicle information systems, to reduce congestion and emissions; and
7. Such other transportation-related programs as the Administrator, in consultation with the Secretary of Transportation, finds would improve air quality and would not encourage single occupancy vehicle capacity.

How Withdrawal of a SIP Affect Sanctions:

The implications of a SIP withdrawal, like disapproval, are tied to the specific SIP being withdrawn and the consequential EPA action. Mere withdrawal by the state does not start a sanctions clock.

Instead, EPA must affirmatively determine that the state failed to submit a required SIP for the sanctions and FIP clocks to start. EPA has an enforceable duty under section 110(k) to issue a finding of failure to submit for any required SIP not submitted by an air agency pursuant to the deadline for submission of such SIP. Findings of failure to submit trigger the FIP and sanctions clocks described above, in a manner similar to SIP disapprovals, except that to turn off a section 179(a) mandatory sanctions clock only EPA’s determination that a new SIP submission is complete is needed, not approval of the SIP. See 40 CFR 52.31(d)(2). EPA approval of a SIP is necessary to stop a FIP clock triggered by a finding of failure to submit. Findings of failure to submit are typically published in the *Federal Register* and EPA typically does not take comment on these ministerial findings.

OAR
10/11/2019
Internal/Deliberative

Message

From: Molina, Michael [molina.michael@epa.gov]
Sent: 9/26/2019 1:22:23 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
Subject: RE: It was Scott Aliferis who invited you

My apologies sir. I didn't couldn't find this email remotely and the only documentation I had was from Cliff

From: adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
Sent: Thursday, September 26, 2019 8:29 AM
To: Molina, Michael <molina.michael@epa.gov>
Subject: Fwd: It was Scott Aliferis who invited you

It was Scott

Sent from my iPhone

Begin forwarded message:

From: "Dickerson, Aaron" <dickerson.aaron@epa.gov>
Date: September 26, 2019 at 8:15:44 AM EDT
To: adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
Subject: It was Scott Aliferis who invited you

From: Aliferis, Scott A. <scott.aliferis@klgates.com>
Sent: Friday, May 10, 2019 11:50 AM
To: Molina, Michael <molina.michael@epa.gov>
Subject: PFAS conference in D.C. -- invitation for the Administrator

Good morning,

I recently spoke with Administrator Wheeler about being the keynote speaker at a PFAS conference this summer at K&L Gates. Administrator Wheeler expressed an interest in participating and suggested that I reach out to you with some details for consideration.

We are in the early planning stages and would be pleased to select a date in June or July to accommodate his schedule. It would take place on our office in downtown Washington. I'm coordinating efforts with the Firm's Environmental policy group.

The goal of the conference is to provide a forum for clients and other interested parties to share views and engage with policymakers and regulators. It would provide a good opportunity for Mr. Wheeler to share his views on EPA's PFAS action plan as well as the agency's draft interim guidance for addressing groundwater contaminated with perfluorooctanoic acid (PFOA) and/or perfluorooctane sulfonate (PFOS). Other topics we expect to cover at the conference include Congressional legislation, state activities and viewpoints from stakeholders.

Thank you for your consideration. Let me know of any questions or interest in a call to discuss further.

Scott Aliferis



Scott Aliferis
Government Affairs Advisor
K&L Gates LLP
1601 K Street NW
Washington, D.C. 20006
202-661-3865 (office)
Ex. 6
scott.aliferis@klgates.com
www.klgates.com

Aaron Dickerson
Office of the Administrator
U.S. EPA

Message

From: Bolen, Brittany [bolen.brittany@epa.gov]
Sent: 8/27/2019 2:47:21 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
CC: Dunn, Alexandra [dunn.alexandra@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Fischer, David [Fischer.David@epa.gov]
Subject: Re: Supplemental Proposed TSCA rule - At OP Going to OMB - FYI

Thanks. We'll upload this to OMB today.

On Aug 27, 2019, at 10:14 AM, adm15.arwheeler.email <adm15.arwheeler.email@epa.gov> wrote:

Thanks I have no questions.

Sent from my iPhone

On Aug 27, 2019, at 9:35 AM, Dunn, Alexandra <dunn.alexandra@epa.gov> wrote:

Dear Administrator:

This email provides you an update on a supplemental proposed rule that we are sending to OMB through OP. I understand from Brittany that you would like to know about all transmittals to OMB and I am providing this information to you from our program. While we'd hoped this would fall in the non-significant category, conversations between my program regulatory staff and our OMB desk officer in June led to an agreement that OMB would look quickly at this supplemental notice and then have a light touch when the rule goes final in February which would be good since we have a statutory deadline to finalize the rule by February 2020.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please let me know if you have any questions.

Regards,

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-2910
dunn.alexandra@epa.gov

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Message

From: adm15.arwheeler.email [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F061A85B2E14828934C1A85CC4D5122-ADM15.ARWHE]
Sent: 9/26/2019 12:29:03 PM
To: Dickerson, Aaron [dickerson.aaron@epa.gov]
Subject: Re: It was Scott Aliferis who invited you

Thanks!

Sent from my iPhone

On Sep 26, 2019, at 8:15 AM, Dickerson, Aaron <dickerson.aaron@epa.gov> wrote:

From: Aliferis, Scott A. <scott.aliferis@klgates.com>
Sent: Friday, May 10, 2019 11:50 AM
To: Molina, Michael <molina.michael@epa.gov>
Subject: PFAS conference in D.C. -- invitation for the Administrator

Good morning,

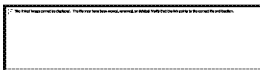
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Thank you for your consideration. Let me know of any questions or interest in a call to discuss further.

Scott Aliferis



Scott Aliferis
Government Affairs Advisor
K&L Gates LLP

1601 K Street NW
Washington, D.C. 20006
202-661-3865 (office)

Ex. 6

scott.aliferis@klgates.com
www.klgates.com

Aaron Dickerson
Office of the Administrator
U.S. EPA

Message

From: adm15.arwheeler.email [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F061A85B2E14828934C1A85CC4D5122-ADM15.ARWHE]
Sent: 2/1/2019 6:47:05 PM
To: Konkus, John [konkus.john@epa.gov]
Subject: Fwd: Former Obama Official Makes Outlandishly False Claim About Trump EPA

Someone should send to to her producer.

Sent from my iPhone

Begin forwarded message:

From: "EPA Press Office" <press@epa.gov>
Date: February 1, 2019 at 1:45:02 PM EST
To: "adm15.arwheeler.email@epa.gov" <adm15.arwheeler.email@epa.gov>
Subject: **Former Obama Official Makes Outlandishly False Claim About Trump EPA**
Reply-To: press@epa.gov

.....

Former Obama Official Makes Outlandishly False Claim About Trump EPA

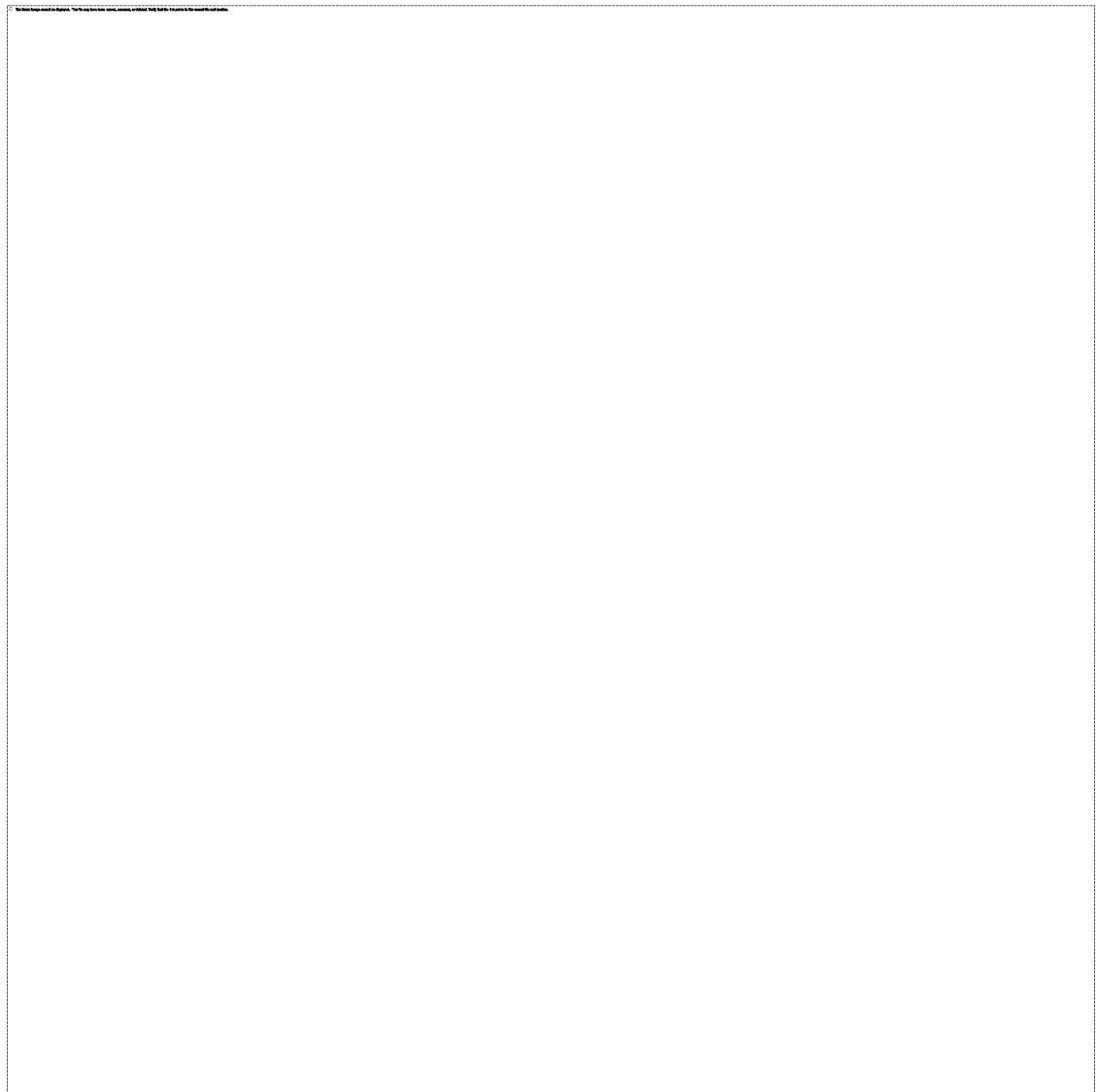
Yesterday on Fox News' The Story with Martha MacCallum, Former Chair of the Council of Economic Advisers under President Obama Austan Goolsbee made a false claim regarding EPA's Mercury and Air Toxics Standards.

Former Obama Official Austan Goolsbee: “But look, I’m telling you, when you see the EPA changing the rules, so that power plants can dump more mercury into our drinking water.”

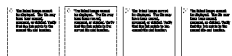
FACT CHECK: This is false.

EPA has not proposed to revise, remove, or alter the Mercury and Air Toxics Standards (MATS) that addresses mercury and other hazardous air pollutant emissions from power

plants. EPA is not proposing to remove, or delist, electric generating units from the list of source categories subject to regulation under Clean Air Act Section 112, nor has it proposed to rescind or weaken the emission standards to which those units are currently subject.



<!--[if !mso]-->[Visit The EPA's Newsroom](#)<!--[endif]-->



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

[Unsubscribe](#)



Message

From: adm15.arwheeler.email [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F061A85B2E14828934C1A85CC4D5122-ADM15.ARWHE]
Sent: 10/6/2019 2:35:58 AM
To: Ross, David P [ross.davidp@epa.gov]
Subject: Re: Reg Det - Strontium

Thank you Dave.

Sent from my iPhone

> On Oct 5, 2019, at 5:46 PM, Ross, David P <ross.davidp@epa.gov> wrote:

>
> Deliberative; Confidential

> Administrator,
>

Ex. 5 - Deliberative Process

>
> Thanks for the discussion and guidance yesterday on this and the multiple other topics we covered!

> Dave

>
> Sent from my iPad

Message

From: Lyons, Troy [lyons.troy@epa.gov]
Sent: 4/6/2019 3:00:11 AM
To: Fotouhi, David [Fotouhi.David@epa.gov]
CC: Rodrick, Christian [rodrick.christian@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Draft talking points on NMED

Many thanks!

Sent from my iPhone

On Apr 5, 2019, at 4:59 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

In light of our discussion earlier today, attached is a 1-pager with background and talking points on the Air Force PFAS litigation against New Mexico and EPA's work with the State.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

<PFAS Talking Points 4.5.19.docx>

Message

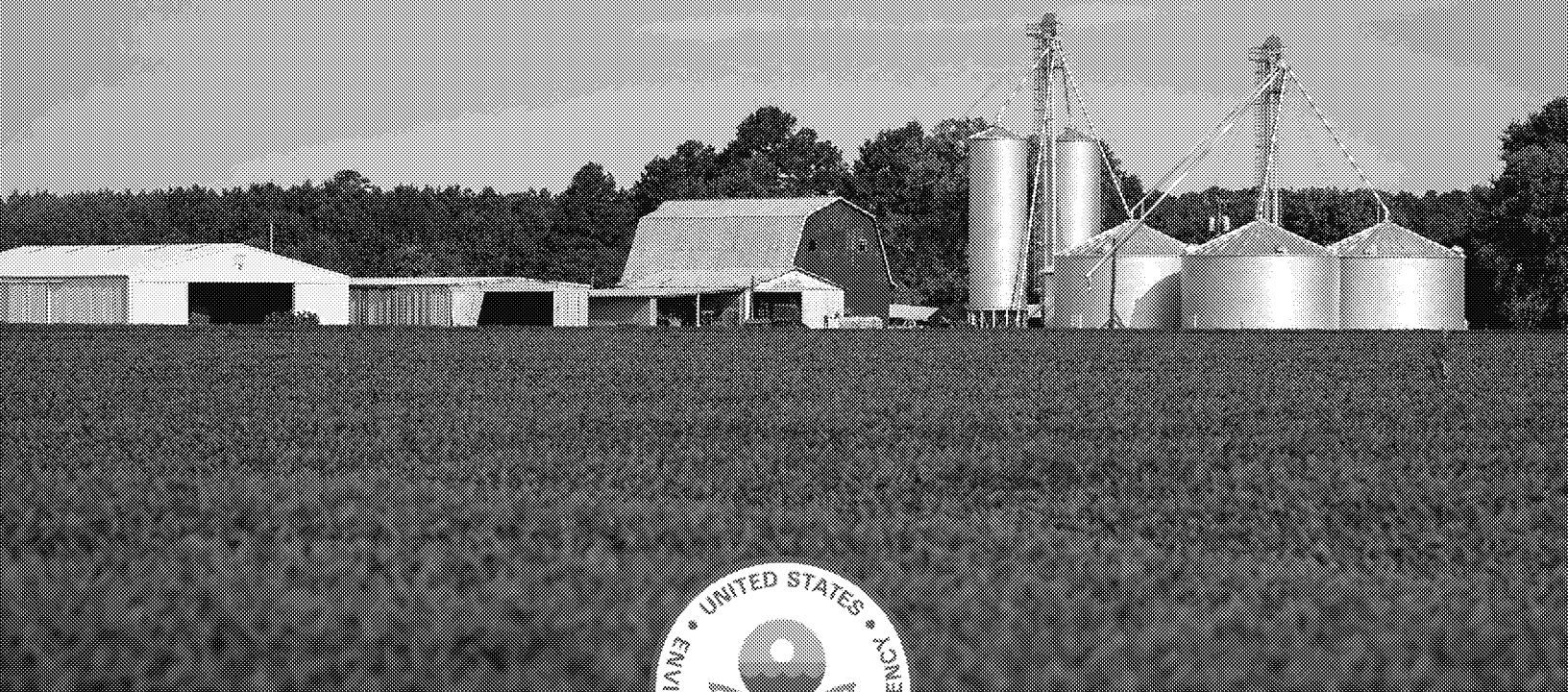
From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 3/14/2019 4:20:08 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: McFaul, Jessica [mcfaul.jessica@epa.gov]
Subject: AgricultureDay_booklet-6.pdf
Attachments: AgricultureDay_booklet-6.pdf; ATT00001.txt

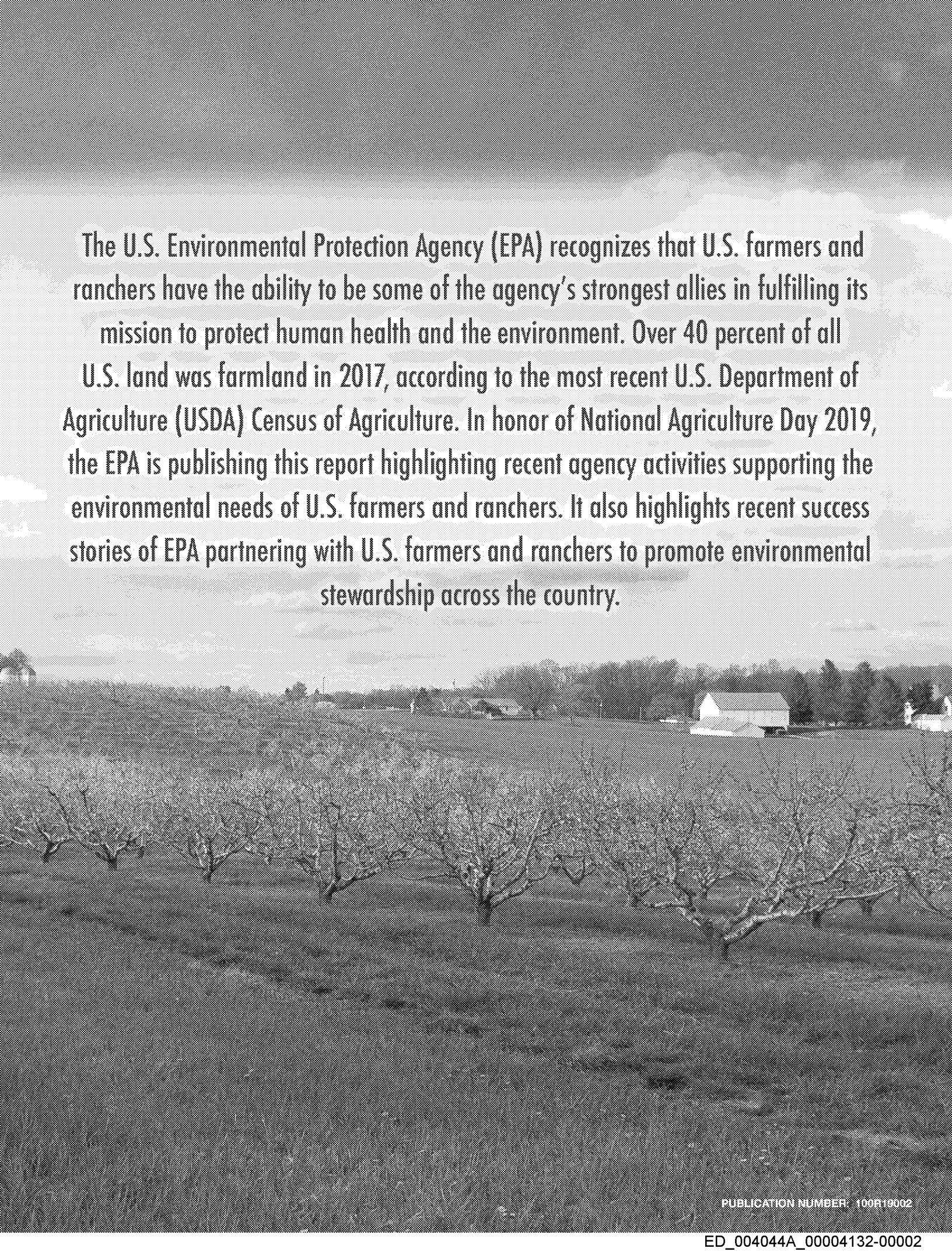
Jess for the win. Good catch Brittany. Revised attached. Thought Beach had put one in so a AW quote was much needed.



A Year of EPA Support for American Agriculture

MARCH 2019



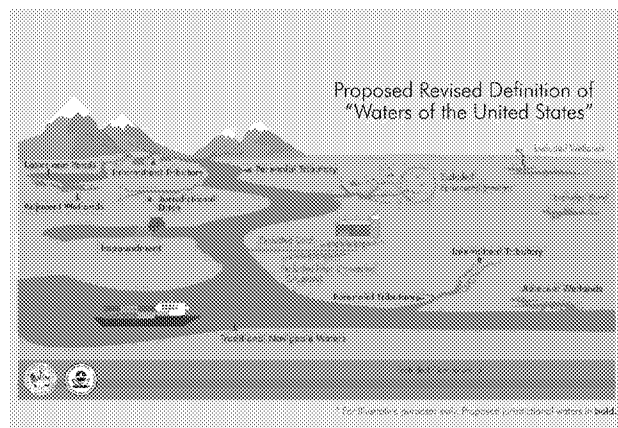


The U.S. Environmental Protection Agency (EPA) recognizes that U.S. farmers and ranchers have the ability to be some of the agency's strongest allies in fulfilling its mission to protect human health and the environment. Over 40 percent of all U.S. land was farmland in 2017, according to the most recent U.S. Department of Agriculture (USDA) Census of Agriculture. In honor of National Agriculture Day 2019, the EPA is publishing this report highlighting recent agency activities supporting the environmental needs of U.S. farmers and ranchers. It also highlights recent success stories of EPA partnering with U.S. farmers and ranchers to promote environmental stewardship across the country.

RECENT EPA ACTIVITIES THAT SUPPORT THE ENVIRONMENTAL WORK OF U.S. AGRICULTURE AND OVERALL RURAL PROSPERITY

WATERS OF THE U.S.

In December 2018, EPA and the Department of the Army took historic steps towards providing regulatory clarity to farmers, landowners and co-regulators across the country by proposing a revised definition for Waters of the United States (WOTUS) in a manner consistent with President Donald Trump's February 2017 executive order. The public comment period on the proposed new definition will end on April 15.



“From our new Waters of the U.S. definition to the Renewable Fuel Standard, EPA is delivering on President Trump’s commitments and providing greater regulatory certainty to America’s farmers. We have traveled the country to meet and work with our nation’s farmers and help them ensure American agriculture remains the envy of the world.”

– EPA Administrator Andrew Wheeler

THE EPA FINANCING RURAL INFRASTRUCTURE

WIFIA Loans: The EPA’s Water Infrastructure Finance and Innovation Act (WIFIA) program plays an important role in President Trump’s plan to upgrade the nation’s infrastructure and in the USDA’s Task Force on Agriculture and Rural Prosperity. The EPA’s WIFIA federal loan and guarantee program provides long-term, low-cost supplemental credit assistance for significant projects on a regional and national level. By the end of 2018, the EPA closed seven WIFIA loans totaling nearly \$2 billion to help finance over \$4 billion in water infrastructure projects. This will create approximately 6,000 jobs and save borrowers about \$705 million in lowered interest rates.

State Revolving Funds: The Clean Water and Drinking Water State Revolving Funds (CWSRF and DWSRF) play an integral role in President Trump’s efforts to improve and upgrade the nation’s water infrastructure and to ensure all Americans have access to clean and safe water. In Fiscal Year (FY) 2018, the DWSRF committed \$2.8 billion in drinking water infrastructure loans and disbursed \$2.5 billion for improved drinking water infrastructure. The CWSRF program is the largest public source of water quality financing in the country and has funded over \$700 million in agricultural best management practices (BMPs). The BMPs include feedlot runoff control, manure management and conservation tillage, and erosion control.

CUTTING RED TAPE AND STREAMLINING THE CLEAN WATER ACT PERMITTING PROCESS

Consistent with President Trump’s priorities, Clean Water Act (CWA) Section 404 dredge and fill permits often are required for important infrastructure projects like highways, airports, dams, levees, mines and housing developments. Working cooperatively with states and tribes, the regulated community, and other stakeholders, the EPA took multiple actions in 2018 toward streamlining CWA section 404 permitting processes, including:

- initiating a rulemaking to update the Section 404(g) regulations to clarify and streamline how states and tribes can assume permitting responsibilities;

- evaluating potential updates to section 404(c) regulations to increase predictability and provide regulatory certainty for all stakeholders; and
- proposing a rule with the Army Corps of Engineers to achieve a more efficient review and approval process for proposed compensatory mitigation, Interagency Review Team, and in-lieu fee programs related to Section 404 permits.

REGULATORY ACTION RELEVANT TO U.S. ANIMAL PRODUCERS

Following congressional action in 2018 that exempted air emissions from animal waste at farms from reporting under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), EPA published a final rule to revise the reporting regulations and clarify that livestock producers do not need to report under CERCLA.

EPA also proposed a rule on Oct. 20, 2018, to amend the emergency release notification regulations under the Emergency Planning and Community Right-to-Know Act (EPCRA) to further clarify that the reporting of routine air emissions from animal waste at farms is not required under EPCRA. If finalized, this proposed rule would also ensure emergency response officials can better focus their time and resources on hazardous waste emergencies and not routine air emissions from animal waste at farms.

“The goal of emergency response officials and local emergency planning committees is to prepare communities for emergency threats. Such emergency threats certainly do not include ‘best guess’ reporting on day-to-day emissions on farms and animal operations.”

– National Association of SARA Title III Program Officials (NASTTPO) President Tim Gablehouse on the October 30, 2018 signing of the EPA’s proposed rule on EPCRA reporting requirements for Animal Waste Emissions.

SUPPORTING THE RENEWABLE FUEL STANDARD

On July 25, 2018, EPA Administrator Andrew Wheeler issued a final notice approving a variety of pathways for renewable fuel derived from sorghum, including biodiesel. This action supports homegrown fuels under the Renewable Fuel Standard (RFS) program and further diversifies the mix of biofuels in the U.S.

In September 2018, EPA updated the RFS program website to increase transparency surrounding the program. The updated website includes new data and information for both stakeholders and the public. In November 2018, EPA again met its annual deadline for establishing the renewable fuel volumes under the RFS program for 2019 and biomass-based diesel for 2020.

Additionally, in March 2019 EPA proposed regulatory changes to extend Reid Vapor Pressure waivers to include fuel blends containing gasoline blended with up to 15 percent ethanol. Consistent with President Trump’s direction, EPA is proceeding expeditiously to issue a final rule by the summer driving season.

ENSURING TIMELY AVAILABILITY AND PROMOTING SAFE USE OF CROP PROTECTION TOOLS

The agency completed 99.7 percent of 2,199 Pesticide Registration Improvement Act (PRIA) pesticide registration actions on time, registered 23 new active ingredients – most of which were classified as reduced risk pesticides – and registered 147 new uses of existing pesticides, providing new tools to growers to meet their pest management needs. In addition to providing farmers and ranchers with on time pesticide registration actions EPA, also approved new crop protections tools.

For example, in October 2018, EPA extended the registration of the herbicide dicamba with additional restrictions for two years to control weeds in fields for cotton and soybean plants genetically engineered to resist dicamba. This action was informed by input from and extensive collaboration between the agency, state regulators, farmers, academic researchers, pesticide manufacturers and other stakeholders. EPA tightened the label requirements to ensure that these products can continue to be used effectively while addressing potential concerns to surrounding crops and plants.

“It is important that the EPA has decided to renew the registration of over-the-top use of this important weed control technology on dicamba-resistant cotton and soybeans, because it presents farmers with options. This represents the conclusion of a very thorough scientific review, in conjunction with stakeholders, involving site visits and careful consideration of facts. Producers who use this weed control method should review the label, understand why changes have been made, and ensure that all requirements of the label are met when the 2019 use season begins.”

– USDA Secretary Sonny Perdue

COLLABORATIVE APPROACHES TO REDUCING EXCESS NUTRIENTS IN WATER

In partnership with other federal agencies, EPA is prioritizing outreach and engagement with states and stakeholders in an effort to support and facilitate meaningful water quality improvements by reducing excess nutrients in our waters. As part of this effort, EPA has renewed the effort to support the use of water quality trading, offsets and similar programs for achieving water quality improvements and compliance with regulatory requirements of the Clean Water Act. In February 2019, EPA's Office of Water announced a new policy memorandum that will help states, tribes and stakeholders use market-, incentive- and community-based programs to reduce excess nutrients and improve water quality in their communities. This memorandum followed a joint letter from EPA and USDA to state agricultural and environmental directors inviting engagement on market-based and other collaborative approaches to reducing excess nutrients.

EPA also signed a Memorandum of Understanding in February 2019 with the Water Research Foundation to develop affordable technologies to recycle nutrients from livestock manure and continues to host an Animal Agriculture Discussion Group, which convenes regularly to build dialogue about manure management and water quality.

PROVIDING CLARITY IN REGULATORY ENFORCEMENT

EPA terminated the previous National Enforcement Initiative directed at animal waste at the end of FY 2018. This was part of EPA's transition from National Enforcement Initiatives to National Compliance Initiatives to align priorities with the agency's strategic plan and to focus on environmental problems, not specific industry sectors like agriculture. This transition aims to increase the environmental law compliance rate and reduce the average time from violation identification to correction.

EPA's Office of Enforcement and Compliance Assurance also runs the National Agriculture Center, which is a resource to assist producers with regulatory and non-regulatory information. More information available at www.epa.gov/agriculture.

REDUCING FOOD WASTE

Wasted food is the single largest category of material placed in municipal landfills and contributes to methane emissions. Wasted food also represents missed opportunities to feed families in need, feed animals and conserve both economic and energy resources.

On Oct. 18, 2018, EPA, USDA and the Food and Drug Administration (FDA) signed a formal agreement to enhance federal collaboration on existing food waste reduction programs across the three agencies. They also launched a corresponding *Winning on Reducing Food Waste Initiative*, which will continue to be a priority well into 2019.

Additionally, in August 2018, EPA's office of Environmental Education granted New Jersey public schools \$50,000 to increase local awareness on food waste. This is one of many examples of EPA funding food waste reduction projects throughout the country.

LOCAL FOODS, LOCAL PLACES

In 2018, the EPA's Office of Community Revitalization in the Office of Policy, along with the USDA, U.S. Centers for Disease Control and Prevention and the Delta Regional Authority, provided technical assistance to help 16 communities with farmers markets, community kitchens and other food-related enterprises that grow the economy and support local businesses and farmers. *Local Foods, Local Places* helps cities and towns across the country protect the environment and human health by engaging with local partners to reinvest in existing neighborhoods as they develop local food systems. To date, 93 communities have received support through the *Local Foods, Local Places* partnership.

NEW APPOINTMENTS TO SCIENCE ADVISORY BOARD

In January 2019, Administrator Wheeler announced the appointment of members who will serve on the Science Advisory Board and four subcommittees, including the Agricultural Science Committee. Reappointed and new membership includes experts from a wide variety of scientific disciplines who reflect the geographic diversity needed to represent all 10 EPA regions.

RECOGNIZING AND EXPANDING AGENCY PARTNERSHIPS WITH FARMERS AND RANCHERS

In January 2019, EPA's Office of Agriculture Advisor to the Administrator received new leadership in order to help prioritize matters impacting U.S. agriculture at the agency. In 2019 and 2020, EPA's ag office will promote enhanced coordination on ag issues across HQ and among the agency's regional offices via EPA's 10 Regional Agriculture Advisors.

In February 2019, Administrator Wheeler signed a first-time Memorandum of Understanding with the National Future Farmers of America Organization to advance educational outreach on EPA's ongoing activities to young leaders in farming and rural communities.



In 2018, EPA's Office of Environmental Education extended further eligibility of its grants and student/teacher awards programs to agricultural activities including conservation practices, water quality enhancement, food waste reduction and integrated pest management.

SMART SECTORS

Located in the Office of Policy, EPA Smart Sectors is a partnership program that provides a platform to collaborate with regulated sectors to develop sensible policies to improve environmental outcomes and improve EPA practices and streamline operations. Since October 2017, Smart Sectors has established partnerships with 13 sectors of the economy; held three administrator roundtables with all sectors; visited 18 facilities covering the operations of nine different sectors; and held more than 500 other meetings to better understand and help address sector issues and opportunities.

OUT IN THE FIELD — EPA REGIONAL OFFICES PARTNERING WITH U.S. AGRICULTURE

REGION 1: NEW ENGLAND

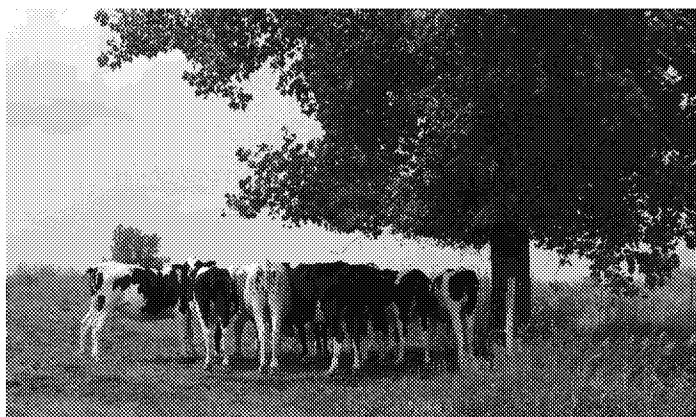
“In Region 1, we have made an extra effort to expand partnerships with our agricultural community. The Environmental Education grant program is an example of a program where we have included agriculture projects in the application priorities. We are thrilled to see EPA dollars going to a project that will help improve agricultural practices by having a positive impact on Lake Champlain and other surface waters.”

– EPA Region 1 Acting Administrator Deb Szaro

REGIONAL HIGHLIGHT:

University of Vermont and State Agriculture College receives grant from EPA's Office of Environmental Education

The University of Vermont and State Agriculture College was selected as an EPA 2018 environmental education grantee for a project called “Innovative Environmental Education for Future Farmers.” This project brings together future farmers and educators to develop a research-based curriculum on responsible agriculture management.



REGION 2: NEW JERSEY, NEW YORK, PUERTO RICO & U.S. VIRGIN ISLANDS

“It has been said that agriculture is among the most important inventions of all time. It's the heart of our daily life and the backbone of our economy. From the apple orchards of New York and the rich berry farms of the Garden State, to the crisp kale in Puerto Rico and sweet mangos in the Virgin Islands, our farmers are sustaining life – while serving as good environmental stewards of our air, land and water.”

– EPA Region 2 Administrator Pete Lopez

REGIONAL HIGHLIGHTS:

New York City watershed

The New York City Watershed Agricultural Program is a unique program driven and led by farmers and protects New York City drinking water quality through Whole Farm Plans, which combine financial investment in structural environmental improvements with agricultural best management practices. The program – started by New York City and the watershed farm community and funded through the New York City Department of Environmental Protection – is a win for both water quality and agriculture.



Side-by-side plots of corn grown using conventional fertilizer (red flags) and controlled-release nitrogen fertilizer (yellow flags) look the same. Corn Demonstration.

Photo by Cornell Cooperative Extension of Suffolk County

Engaging farmers in nitrogen fertilizer management on Long Island, NY

In Long Island, 35 sweet corn growers and 25 potato farmers participated in large-scale, on-farm, side-by-side demonstration projects to show the costs and benefits of controlled-release nitrogen fertilizer (CRNF) compared to conventional nitrogen fertilizer. After the projects were complete, 28 corn farmers and three potato farmers switched to CRNF. Out of 1,500 acres of sweet corn, a total of 1,200 acres are now managed using CRNF, as well as a total of 440 acres devoted to growing potatoes. The farmers who switched to using CRNF have prevented 56,640 pounds of nitrogen from entering the Long Island Sound without reducing crop yield or quality.

REGION 3: MID-ATLANTIC

“We can have healthy, thriving farms and clean water by working together. Farmer roundtables and educational farm tours have been great ways to keep the lines of communication open with the agricultural community. When we talk with each other, we find effective ways to support agricultural conservation practices that are good for farm efficiency, animal health, soil quality, drinking water and our local streams.”

– EPA Region 3 Administrator Cosmo Servidio

REGIONAL HIGHLIGHTS:

Farmer roundtables

Over the past year, EPA’s Mid-Atlantic Region has participated in over 25 farmer roundtables, educational farm tours, field days and discussions with lead agricultural organizations to hear what’s on farmers’ minds and find effective ways to work together. A good example of this is in the Saucony Creek watershed in Pennsylvania’s Berks County. EPA’s Mid-Atlantic Region co-founded a unique partnership called the Schuylkill Action Network, which brings together farmers, townships, government agencies and water authorities to clean up pollution affecting the Schuylkill River. Through this partnership, farmers have implemented more than 30 projects that have improved drinking water, streams and farms in the Saucony Creek watershed.



Dr. Maguire (left) and Nelson Rodes discuss the benefits of the drag hose manure injection system.

Photo Credit: Sustainable Chesapeake, Kromatic Media

Region 3 applauds win-win technology in Virginia

In Port Republic, Va., Nelson Rodes and his sons used funding from an EPA-financed National Fish and Wildlife Foundation grant and help from Dr. Rory Maguire of Virginia Tech to buy a “drag hose manure injection” system that has made a big difference on their Riverhill Farm in the Shenandoah Valley community. A drag hose is an alternative manure application system that has advantages for farms with a large amount of manure to spread.

The effort at Riverhill Farm is connected to the broader Chesapeake Basin Subsurface Application of Manure (SAM) Initiative. The drag hose manure injection system has improved soil health, minimized the trampling of cropland that would have occurred with heavy tanker-spreaders or injectors, cut fertilizer costs by providing twice-as-much plant-available nitrogen, and reduced manure odors.

REGION 4: SOUTHEAST

"Farmers and the agricultural community in the southeast are tremendous leaders and partners in educating and advocating for the principles of environmental protection. Each day, farmers work to care for the land and livestock by implementing environmental stewardship practices that help ensure our food and fiber security. We appreciate and thank those who dedicate their lives to feeding and clothing the world."

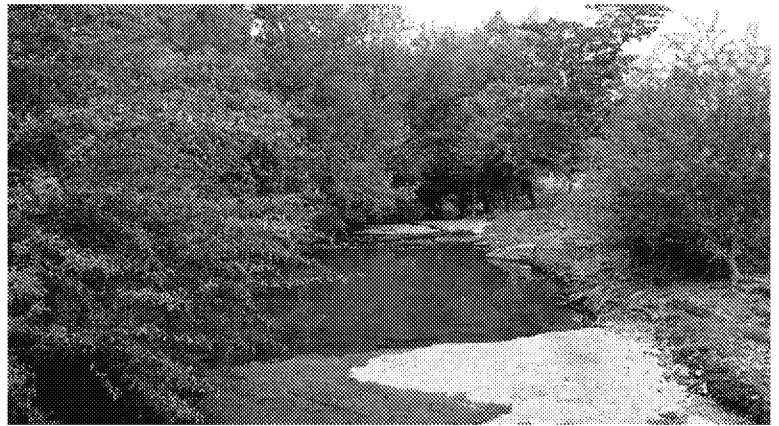
– EPA Region 4 Acting Administrator Mary S. Walker

REGIONAL HIGHLIGHTS:

EPA Region 4 continuously seeks opportunities for collaboration with our agricultural stakeholder community through meetings with our state partner agencies, collaboration with state farm bureaus, discussions with commodity associations, farm/field tours and farmer/producer direct engagement.

BMPs in Tennessee

An example of agriculture positive influence on the environment and partner engagement is the direct improvement of water quality achieved by implementing agricultural best management practices in Rutherford Creek, Tenn. From 2002 to 2018, federal, state and local partners helped implement habitat restoration practices and agricultural BMPs to address nonpoint source pollution and improve water quality. As a result, a 12.5-mile segment of Rutherford Creek was removed from the 2016 impaired waters list for all sources and causes and now fully supports all designated uses.



Riparian buffer established along McCutcheon Creek, a tributary to Rutherford Creek.

REGION 5: GREAT LAKES

"Region 5 is home to a diverse agricultural community, making it critically important to the economies of our Region 5 states. I am committed to working together with farmers to help address their unique challenges while protecting the environment."

– EPA Region 5 Administrator Cathy Stepp

REGIONAL HIGHLIGHTS:

Outreach to agriculture

Regional Administrator Cathy Stepp has made it a top priority to strengthen the regional office's relationship with its agricultural partners. In December 2018, Regional Administrator Stepp hosted a summit with the Region 5 farm bureaus to discuss environmental issues affecting the farming industry including nutrients, WOTUS, livestock concerns and pesticides. She has also engaged with state ag directors to explore opportunities for closer coordination and has visited farms in the region to hear directly from those most affected by EPA policy.



Illinois farmer Steve Pitstick gave Region 5 Administrator Stepp, Illinois EPA Director Alec Messina and Illinois Department of Agriculture Director Raymond Poe a crash course on precision agriculture and other innovative methods he uses on his farm.

Working with farmers to protect the Great Lakes

In working with other federal partners and farmers, Region 5 has helped to control soil erosion and reduce nutrient runoff while improving soil health and productivity. Over \$165 million in EPA funding has been invested in the agricultural community—leading to the implementation of conservation practices on over 700,000 cropland acres and the reduction of more than one million pounds of phosphorus runoff from farmlands.

REGION 6: ARKANSAS, LOUISIANA, NEW MEXICO, OKLAHOMA & TEXAS

“The agricultural industry and its people are vital to our nation's economy, public health and environment. We are proud to continue working with our partners in the ag community to protect our shared water resources while providing for the American people.”

– EPA Region 6 Administrator Anne Idsal

REGIONAL HIGHLIGHTS:

Cooperation in conservation leads to restoration success

Regional Administrator Anne Idsal participated with the Oklahoma Conservation Commission in doing in-stream water quality monitoring at Fourteen Mile Creek in northeast Oklahoma, which is funded through EPA's Clean Water Act 319 Nonpoint Source Program. This stream was once listed on the state's list of polluted waterbodies.

Solving water quality issues at Louisiana small dairies

Through a research effort that began in 2016, EPA Region 6 and the Office of Research and Development have been working closely together to develop remediation and restoration options for small dairy farm operations struggling with waste runoff in Southeast Louisiana. Approximately 90 small dairy farms in the region have operation waste streams and cattle walk-up area runoff that flow into catchment lagoons. With the accumulation of both solid and liquid waste over the years, the lagoon systems overtop, releasing manure solids, excess nutrients and fecal bacteria into waterways. Throughout 2017 and 2018, EPA hosted several workshops in Louisiana with the Louisiana Department of Agriculture and Forestry and dairy producers to bring these stakeholders together in a joint effort to address water quality issues and explore new revenue streams for the struggling dairy producers.



Region 6 Administrator Idsal in stream with Oklahoma Department of Agriculture, Food and Forestry Secretary Jim Reese and staff from the Oklahoma Conservation Commission

REGION 7: KANSAS, IOWA, MISSOURI & NEBRASKA

“Here in America’s Heartland, agriculture is our region’s largest industry and most dominant land use, meaning a strong partnership with our ag sector is critical to shared efforts in creating cleaner water, air and land for future generations to come. Recognizing the vital role that farmers play in environmental stewardship and conservation, EPA Region 7 works to protect human health and the environment while also providing our agriculture community with the regulatory certainty and clarity they need to be successful.”

– EPA Region 7 Administrator Jim Gulliford

REGIONAL HIGHLIGHTS:

To help the ag industry thrive while fulfilling EPA’s mission to protect public health and the environment, EPA Region 7 maintains a strong partnership with the agricultural sector, providing America’s farmers, ranchers and agribusinesses with the support and regulatory certainty they deserve. The office provides targeted outreach and compliance assistance to help prevent accidents from dangerous chemicals and supports states and tribes through research initiatives to include a comprehensive scientific assessment of the development of harmful algal blooms. Work is also underway to provide commonsense nutrient management solutions aimed at improving the quality of regional waterways, and with the largest remaining expanse of tall grass prairie, EPA Region 7 partners with a wide range of stakeholders to manage the prescribed burning of this fire-dependent ecosystem in a way that protects public health while preserving this endangered landscape.



EPA Region 7 and Office of Research and Development staff, along with personnel from the Kansas Department of Health and Environment, lift sampling equipment during a prescribed burn on the Konza Prairie.

The apparatus is called the aerostat (nicknamed “big pumpkin balloon”). The grassland smoke emission sampling expedition was conducted at the Konza Biological Station in Manhattan, Kan., and the Tallgrass Prairie Preserve in Strong City, Kan., on Nov. 10 and 13, 2017.

REGION 8: MOUNTAINS & PLAINS

“Today we celebrate the farmers and ranchers in Region 8 for providing the food we all need and for their stewardship of the environment for future generations.”

– EPA Region 8 Administrator Doug Benevento

REGIONAL HIGHLIGHTS:

Agriculture is ranked as the #1 or #2 industry in four of the six states in EPA’s Region 8, with an annual economic impact ranging from \$1.6 billion to \$10.9 billion. A little more than 57 percent of the land in Region 8 is in agricultural production, with about 157,000 farms spanning more than 214 million acres. The primary commodities in Region 8 are livestock production, wheat and corn (for both feed and ethanol). However, these states also produce a diverse number of fruits, vegetables and other agricultural commodities. In fact, the top three honey producing states in the U.S. are in Region 8: North Dakota, South Dakota and Montana.



Monitoring station to measure pollutant runoff from a field to evaluate BMP (filter strip) effectiveness.

Impactful BMPs on Utah's Fremont River

The Fremont River, which flows through the Capitol Reef National Park in Utah, was impacted by excess nutrients. Landowners along the river voluntarily installed several agricultural BMPs help control erosion and reduce runoff of sediment and nutrients into the river: relocating two animal feeding operations away from the river, installing BMPs at 17 additional animal feeding operations to prevent animal waste from entering the river, implementing sprinkler irrigation systems to eliminate irrigation return flows to the river, and adding riparian fencing.

Supporting ag telling its story

In 2018, EPA Region 8 provided financial support for the Colorado Foundation for Agriculture (CFA). CFA produced a Colorado Agriculture in the Classroom Reader and Educator's Guide aimed at teaching grades 4-6 about the issues of food loss and waste and educating students about Colorado agriculture. This reader was distributed to more than 1,500 classrooms across the state.

Rocky Mountain National Park Air Quality Initiative

The Rocky Mountain National Park Air Quality (RMNP) Initiative in Colorado was formed to study and recommend action on air quality issues facing the RMNP, such as visibility, ozone levels and nitrogen deposition. Recent efforts from 17 participating organizations (mostly agricultural) include funding BMP research and development of a weather-based Early Warning System, which informs producers which days are the most beneficial to apply which BMPs.

REGION 9: PACIFIC SOUTHWEST

"We are committed to improving regulatory certainty for the agricultural sector in Region 9. Deepening our partnerships with state, tribal and territorial partners furthers this goal."

– EPA Region 9 Administrator Mike Stoker

REGIONAL HIGHLIGHTS:

Building regional dialogue

EPA's Region 9 office is working to strengthen relationships with state, tribal and territorial partners on agriculture issues. In 2018, EPA hosted the region's first Ag Summit in Los Angeles, Calif., where ag leaders visited the Ports of Los Angeles and Long Beach and met with port officials and federal agencies regarding how food and pesticide import/exports are handled.



Regional Administrator Mike Stoker announces San Joaquin Valley's award of two new DERA grants totaling \$3.8 million at a press event in Fresno, Calif.

Farmworker education

With the largest farmworker population in the nation, Region 9 prioritizes education and compliance of the pesticide worker protection standards through the following activities:

- implementation of a Hawaii and Pacific island non-English proficient grower training as part of a recent settlement; and
- funding and program support of California's development of a pesticide web-based application for pesticide complaints.

Funding for cleaner equipment in California's San Joaquin Valley

The San Joaquin Valley is one of the world's most productive agricultural regions and is in air non-attainment. Many farms in the Valley are operating trucks and tractors that are well over 25 years old and have very old or even no emission controls on them. Through U.S. EPA's Diesel Emission Reduction Act (DERA) funding and Targeted Air Shed funding, Region 9 awarded over \$10 million to help replace an estimated 580 older, diesel-powered trucks and agricultural farm equipment with cleaner technology.

REGION 10: PACIFIC NORTHWEST

"Our agricultural partners are on the front lines of caring for our land, air and water resources, today and for future generations. Here in the northwest, we are collaborating with our state partners, conservation districts and local producers to provide technical assistance, on-farm education programs and promote best management practices. The results speak for themselves: more stable river and stream banks and better critical fish habitat."

– EPA Region 10 Administrator Chris Hladick

REGIONAL HIGHLIGHTS:

Region 10 directs resources toward fostering our nation's safe, sustainable food production and distribution system through partnerships, local education and by funding voluntary technical assistance and best management practices through local conservation districts.

Supporting BMPs in Washington's Puget Sound National Estuary

Working with our partners, including the state, tribes, conservation districts and producers, EPA funds have helped to implement BMPs to control agricultural runoff and to enhance riparian areas. Examples include the Whatcom Conservation District, where EPA funds support technical assistance and collaboration with the agriculture community, and the Liberty and Miller Bay Working Farm's Water Pollution and Control Project through the Kitsap Conservation District, where funds go toward helping farmers identify what activities cause risk to shellfish growing areas. As of Fall 2018, the Kitsap Conservation District has used EPA funding to write five farm plans and has provided technical assistance to 34 landowners.



Region 10 Regional Administrator Chris Hladick speaks with Larry Stap, owner of Twin Brook Creamery, Whatcom County, Wash.



Message

From: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Sent: 2/28/2019 4:10:54 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Update

Able to confirm other examples where agents flew economy when Pruitt flew 1st/Business. See below as a FYI.

Helena Wooden-Aguilar
Acting Deputy Chief of Staff
U.S. Environmental Protection Agency
202-564-0792 (Work)

Ex. 6

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Conklin, Jeanne" <Conklin.Jeanne@epa.gov>
Date: February 28, 2019 at 10:59:40 AM EST
To: "Greaves, Holly" <greaves.holly@epa.gov>
Cc: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>, "Nelson, Khary" <nelson.khary@epa.gov>
Subject: Fwd: URGENT QUESTION-TRAVEL RESPONSES

Holly
FYI see below.
Jeanne

From: Nelson, Khary
Sent: Wednesday, February 27, 2019 1:31 PM
To: Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>
Subject: RE: URGENT QUESTION-TRAVEL RESPONSES

The initial findings on this are holding. I was only able to find one first leg during the TX trip. Nino Perrotta was in first for the Tulsa to Dallas leg of this trip.

All the other agents flew economy.

Khary

From: Wooden-Aguilar, Helena
Sent: Wednesday, February 27, 2019 8:58 AM
To: Nelson, Khary <nelson.khary@epa.gov>
Cc: Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>
Subject: FW: URGENT QUESTION-TRAVEL RESPONSES

Khary – below is a listing of the agents that traveled to the locations. Helena

From: Ex. 7(C) and 7(F)
Sent: Tuesday, February 26, 2019 9:37 AM
To: Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>
Cc: Ex. 7(C) and 7(F)
Ex. 7(C) and 7(F)
Subject: URGENT QUESTION-TRAVEL RESPONSES

New York – (still trying to identify traveling agents)

Birmingham, AL - (still trying to identify traveling agents)

Charleston, SC :

Ex. 7(C) and 7(F)

Corpus Christi, TX:

- Nino Perrotta (retired)

Ex. 7(C) and 7(F)

New Orleans, LA:

Ex. 7(C) and 7(F)

Orlando, FL:

Ex. 7(C) and 7(F)

Ex. 7(F)

V/r,

Ex. 7(C) and 7(F)

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